

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

**WILLIAM PAUL WANKER,**

**Plaintiff,**

**v.**

**THE UNITED STATES,**

**Defendant,**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Case No.** 18-1660 C

**Judge** \_\_\_\_\_

**COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff, William Paul Wanker, by and through his attorneys, brings this Complaint against the United States and states as follows:

**NATURE OF THE ACTION**

2. Plaintiff brings this action seeking reasonable and entire compensation, as well as all other appropriate remedies, for the use and/or manufacture by the United States, without license or lawful right, of the inventions described in and covered by U.S. Patent Nos. 7,302,429 (“the ’429 Patent”), 8,126,779 (“the ’779 Patent”), 8,204,797 (“the ’797 Patent”), and 9,595,041 (“the ’041 Patent”) (collectively, “the Asserted Patents”).

**THE PARTIES**

3. Plaintiff, William Wanker, is a resident of New Mexico residing at 409 Camino don Miguel, Santa Fe, New Mexico, 87501.

4. The United States (sometimes referred to as “Defendant”), including the Department of Defense (“DoD”) and General Services Administration (“GSA”), maintains offices throughout the United States, including the Naval Sea Logistics Center Portsmouth, Portsmouth Naval Shipyard, Bldg. 153, 2<sup>nd</sup> Floor, Portsmouth, New Hampshire 03804-5000.

### **JURISDICTION AND VENUE**

5. This action arises, *inter alia*, under the patent laws of the United States, Title 35 of the United States Code.

6. This Court has exclusive jurisdiction over Plaintiff’s claims, and venue is proper, pursuant to 28 U.S.C. §§ 1491 and 1498.

7. 28 U.S.C. §§ 1491(a)(1) provides, in relevant part, as follows:

The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

8. 28 U.S.C. §§ 1498(a) provides, in relevant part, as follows:

Whenever an invention described in and covered by a patent of the United States is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner’s remedy shall be by action against the United States in the United States Court of Federal Claims for the recovery of his reasonable and entire compensation for such use and manufacture.

\* \* \*

For the purposes of this section, the use or manufacture of an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States.

## **BACKGROUND**

9. Plaintiff, through his company Legit Services Corporation, designs, manufactures, and sells online software solutions to aid product and service purchasing analysis using selection criteria with variable weighting factors (“Mr. Wanker’s products” or “Plaintiff’s products”).

10. Plaintiff is the inventor and sole owner of the Asserted Patents and holds the entire right, title, and interest in and to the Asserted Patents, including the right to sue for all past, present and future infringement.

11. Defendant uses Plaintiff’s patented technology in at least the Past Performance Information Retrieval System (PPIRS) web-based enterprise application to gather, process and display data regarding the performance of entities and organizations that supply goods and services to the United States.

12. Defendant has no authorization or license from Plaintiff to manufacture, use or copy Plaintiff’s patented technology.

13. Before the filing of this suit, Defendant was aware of at least Plaintiff’s ’429 Patent.

14. Prior to this suit, the United States was aware of Plaintiff's patented technology because GSA representatives met and corresponded with Mr. Wanker on multiple occasions in 2009 and 2010 to discuss the GSA's interest in acquiring access to his patented technology.

15. Plaintiff met with, and presented to, GSA representatives regarding his patented inventions on March 20, 2009, in the GSA offices at 2200 Crystal Drive, Arlington, VA 22202. Specifically, Mr. Wanker met with, and presented to, Mr. Ed O'Hare who was, at that time, with the GSA's Office of the Chief Information Officer, and Mr. Steve Kempf who was, at that time, the Assistant Commissioner for Acquisition Management for GSA.

16. Mr. Wanker's March 20, 2009 presentation to the GSA included a demonstration of an embodiment of his patented invention, the benefit to the Defendant of using his products, and the benefit of using his invention.

17. At the March 20, 2009 presentation, Mr. Wanker informed the GSA, through Messrs. O'Hare and Kempf, that his products were patented.

18. The GSA, through Messrs. O'Hare and Kempf, told Mr. Wanker that his products and patented technology were the exact types of tools GSA was then attempting to obtain.

19. After the March 20, 2009 presentation, GSA requested follow-up meetings with Mr. Wanker.

20. After the March 20, 2009 presentation, GSA requested access to Mr. Wanker's on-line test website.

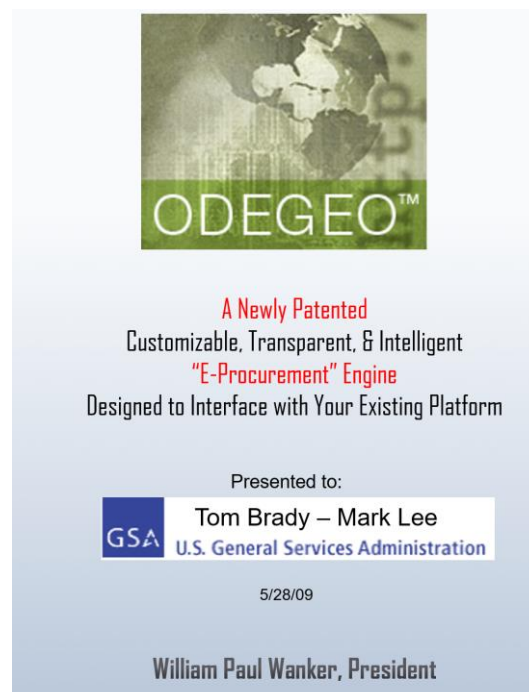
21. After the March 20, 2009 presentation, GSA sought access to Mr. Wanker's on-line test website to further investigate Mr. Wanker's products.

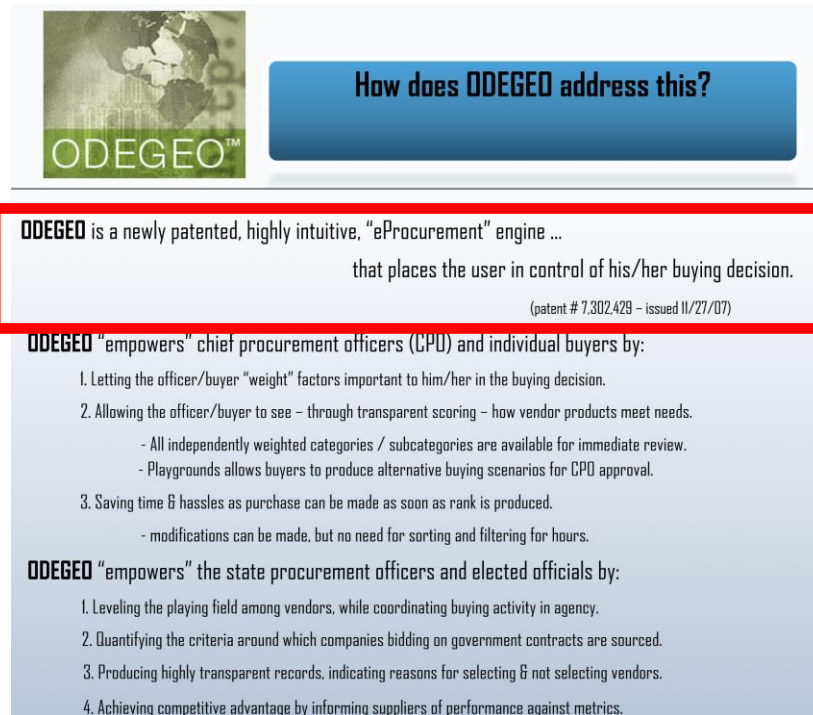
22. Mr. Wanker met with, and presented to, GSA on May 28, 2009.

23. Mr. Wanker's May 28, 2009 meeting with GSA was with at least Tom Brady who was, at that time, Deputy Chief Information Officer of GSA.

24. Mr. Wanker's May 28, 2009 presentation to GSA indicated that his Odegeo product was covered by the '429 Patent.

25. The excerpt of Mr. Wanker's May 28, 2009 presentation to GSA shown below demonstrates that he informed GSA that his Odegeo product was covered by the '429 Patent.





Wanker, William. "A Newly Patented Customizable, Transparent, & Intelligent "E-Procurement" Engine Designed to Interface with Your Existing Platform ("Presentation to GSA (May 2009)"), at 1, 4 (emphasis added).

26. Mr. Wanker's May 28, 2009 presentation to GSA disclosed how his Odegeo product included the use of customized category weighting factors.

27. The excerpt of Mr. Wanker's May 28, 2009 presentation to GSA shown below demonstrates that Mr. Wanker disclosed how his Odegeo product included the use of customized category weighting factors.



## Apply Weights to Categories

User applies **weights** to any or all categories / subcategories – with all being recorded.

Weights - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address <http://localhost/legit/newweights1.aspx?domainID=1&fn=0&productID=0.10.10.0>

ODEGEO™

TO LEAD ONESELF™

PLEASE SELECT ONE OF THE FOLLOWING OPTIONS:

CONSUMER  
BUSINESS  
GOVERNMENT

SEARCH

INDUSTRY DATA  
PRODUCT DATA  
MERCHANT DATA  
GICS  
NAICS

INDUSTRY CATEGORIES

AEROSPACE  
AGRICULTURE  
AUTO + TRANSPORTATION  
FINANCIAL SERVICES  
BUSINESS SERVICES  
CHEMICALS  
COMPUTER HARDWARE  
CONSTRUCTION  
HEALTHCARE  
INDUSTRIAL MANUFACTURING  
METALS + MINING  
ALUMINUM PRODUCTS  
COAL MINING

CREATE NEW WEIGHTS  
USE DEFAULT WEIGHTS  
MODIFY DEFAULT WEIGHTS

HISTORICAL RECORDS  
PRE-QUALIFICATION ENGINE  
ROI

PLEASE ENTER PRODUCT INFORMATION

WEIGHT TOTAL ACROSS ALL CATEGORIES CANNOT EXCEED 100

PROCESS TIME 0

DELIVERY OPTIONS 05

PRICE/US LB 60

AVAILABILITY 05

TOTAL LBS 0

SHIP TIME 0

PAYMENT OPTIONS 10

PAYMENT TERMS 10

TAX 0

TOTAL COST 0

ENTER

Presentation to GSA (May 2009), at 12 (emphasis added).

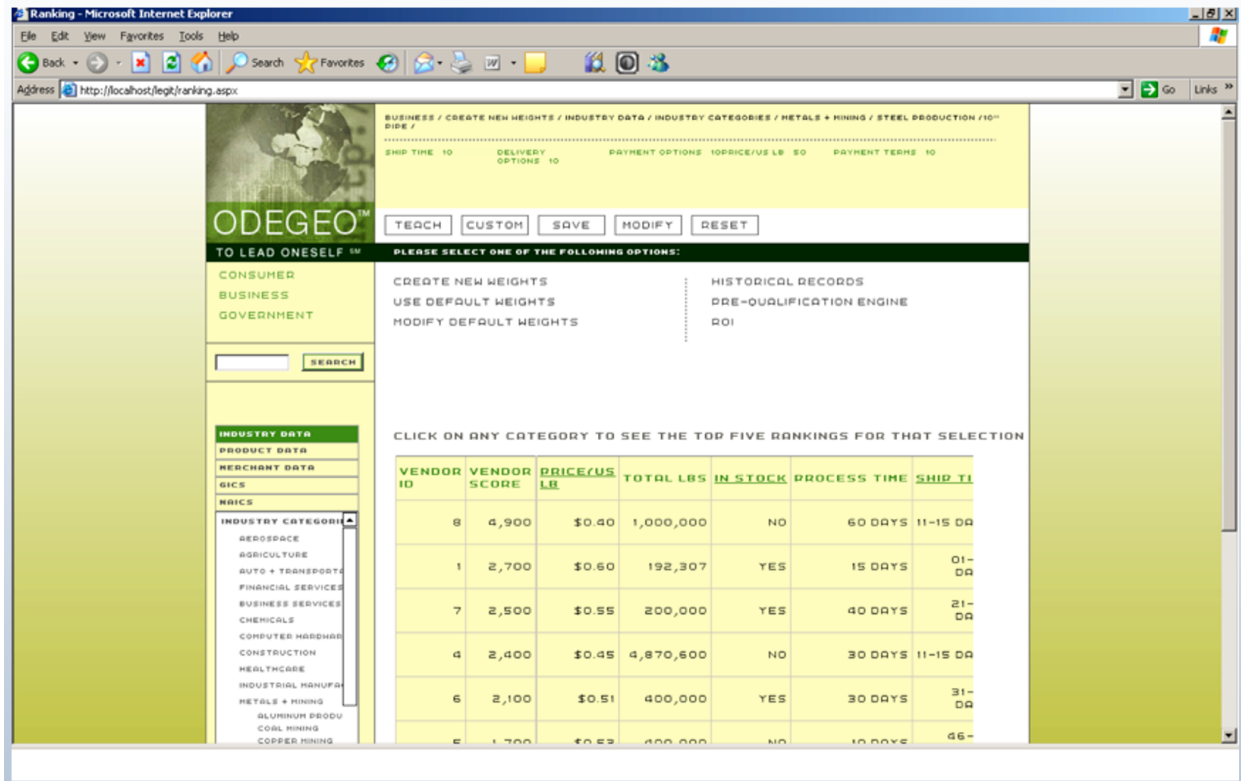
28. Mr. Wanker's May 2009 presentation to GSA disclosed using a contractor ranking derived from using the custom-entered category weighting factors, such as price and shipping time.

29. The excerpt from Mr. Wanker's May 2009 presentation shown below demonstrates that Mr. Wanker disclosed how his Odegeo product used a contractor ranking derived from using the custom-entered category weighting factors, such as price and shipping time.



**Ranking Produced Immediately**

Transparent Rank is **immediately produced**, objectively scored **by Weights you entered**.



Presentation to GSA (May 2009), at 13 (emphasis added).

30. After the May 2009 presentation, GSA's Mr. Brady continued to correspond by email with Mr. Wanker.

31. GSA's Mr. Brady met with Mr. Wanker on February 25, 2010.

32. During the February 25, 2010 meeting between Mr. Wanker and GSA's Mr. Brady they discussed GSA's interest in Mr. Wanker's technology (including Odegeo) to support GSA's procurement system "modernization" efforts.

33. In April 2011 Mr. Wanker provided GSA's Mr. Kempf access to video demonstrations of his Odegeo software.

34. The April 1, 2011 email included below demonstrates how Mr. Wanker provided GSA's Mr. Kempf access to the video demonstrations of his Odegeo software.

**From:** WILLIAM WANKER  
**To:** [steve.kempf@gsa.gov](mailto:steve.kempf@gsa.gov)  
**Subject:** Possible follow-up meeting? Odegeo SAP eProcure - Newly Certified SAP application  
**Date:** Friday, April 1, 2011 1:17:53 PM

---

Steve:

I am William Paul Wanker, president of Legit Services Corporation. We met a couple years ago, at the introduction of Senator Jeff Bingaman - who wanted you to take a look at a newly patented, highly transparent, e-commerce engine my company developed. And after our meeting, I had a couple meetings with Tom Brady - briefing him and colleagues on how it worked and possibilities for integrating it with GSA offerings (particularly, with regard to a new platform they were discussing). Afterwards we agreed to pursue a possible pilot. I have been trying to reach Tom for some time, but have had no success. I don't know if he is still involved with the agency or not. In any case, I thought I would check back with you as I see you are still involved with the agency.

Since last speaking with Tom, we have been licensed and certified by eBay, allowing consumers to use Odegeo to search, find, and purchase product in their marketplace (to see a video demonstration of the eBay application running over eBay Motors, go to <http://www.youtube.com/watch?v=qjC8mEBI2nk>; and licensed and certified as a full PartnerEdge member with SAP, allowing companies and government agencies to find vendors and products on the SAP enterprise platform (to view a video demonstration of Odegeo SAP e-Procure, please go to: <http://odegeo.com/sap-e procure/>, then click on video button in upper left column. (You need to be running QuickPlayer or download it. If you can't access, please let me know and I will provide you with a different presentation.) Between the two, not only can we work inside a proprietary database but jump out to the web for discretionary buys or for vendor comparisons.

I think both of these demonstrate serious market validations of this extremely objective and transparent e-commerce system. And as Tom and I discussed, the real power comes from the fact that ensures, with users themselves setting the weights, and not some external programmer or marketing or optimization firm, Odegeo eliminates the possibility outcomes can be gamed or manipulated. It also assures users, executives, and people they report to that vendor and product/service ranking and selection were truly generated through objective and transparent analyses. This not only provides total accountability among government agency staff, but ensures no pay for play scenarios will manifest themselves.

In any case, I was hoping it might now be possible to revisit this with you and your staff. If so, let me know a convenient time and I will arrange my schedule accordingly. I can be reached at this e-mail address, or through my cell - 415.609.4962.

Thank you for your time and consideration. Have a good weekend.

William Paul Wanker  
President

35. Mr. Brady praised the commercial embodiment as “impressive” in his August 19, 2011 email to Mr. Wanker confirming he had accessed and reviewed the video demonstration of Mr. Wanker’s Odegeo software.

**From:** Thomas Brady  
**To:** [WILLIAM WANKER](#)  
**Subject:** Re: Back in the states  
**Date:** Friday, August 19, 2011 1:36:49 PM

---

William,

I am doing well thanks - staying busy. Hope all is well with you. Seems like things are going quite well!

I did view the links you sent. This is impressive. However, I just don't know how we would apply it at this time. I also believe that this would have to be something that our business portfolios would need to champion and this not be driven from the CIO. This really is a business/policy decision on the use of your engine on searches.

V/R,

Tom

36. Defendant has never purchased any product or service covered by any of the Asserted Patents from Plaintiff.

### **THE ASSERTED PATENTS**

37. Plaintiff is the inventor and owner of all right, title, interest in, and possesses all rights of recovery for past, present, and future damages under the following United States Patents:

- 7,302,429 (“the ’429 patent”), attached as Exhibit A;
- 8,126,779 (“the ’779 patent”), attached as Exhibit B;
- 8,204,797 (“the ’797 patent”), attached as Exhibit C; and
- 9,595,041 (“the ’041 patent”), attached as Exhibit D.

38. Mr. William Wanker invented the inventions claimed in the Asserted Patents no later than April 11, 1999.

39. The Asserted Patents are closely related. The '797 and '041 patents are related to the '429 patent as divisional patents, and the '779 patent is a continuation-in-part of the '429 patent. Accordingly, the specifications of the '797 and '041 patents are nearly identical to the specification of the parent '429 patent and the specification of the '779 patent is also substantially similar to (and includes substantial amounts of material identical to) the '429 patent.

40. Each of the '429, '797 and '041 patents is entitled CUSTOMIZABLE ELECTRONIC COMMERCE COMPARISON SYSTEM AND METHOD, and the '779 patent, is entitled MACHINE IMPLEMENTED METHODS OF RANKING MERCHANTS.

41. The patent examiner of the '429 patent found the allowed claims to recite patentable subject matter and the application for the '429 patent to meet all requirements for patentability.

42. The '429 patent was duly and legally issued by the United States Patent and Trademark Office ("PTO" or "USPTO") after full and complete examination.

43. The patent examiner of the '779 patent found the allowed claims to recite patentable subject matter and the application for the '779 patent to meet all requirements for patentability.

44. The '779 patent was duly and legally issued by the USPTO after full and complete examination.

45. The patent examiner of the '797 patent found the allowed claims to recite patentable subject matter and the application for the '797 patent to meet all requirements for patentability.

46. The '797 patent was duly and legally issued by the USPTO after full and complete examination.

47. The patent examiner of the '041 patent found the allowed claims to recite patentable subject matter and the application for the '041 patent to meet all requirements for patentability.

48. The '041 patent was duly and legally issued by the USPTO after full and complete examination.

49. The Asserted Patents are directed to an online information system and methods of collecting, processing and analyzing information regarding merchants and the products and services offered to establish a weighting of comparison information. The comparison information can be presented to the information consumer in the form of a ranking based on multiple, independently definable criteria.

50. The inventions of the Asserted Patents overcame the limitations of prior systems that did not have the capacity to provide a ranking based on a wide

variety of factors related to consumer purchasing habits and decisions. '429 Patent at 2:44-47.

51. To facilitate operation of the scoring and ranking system disclosed in the Asserted Patents, a customizable set of weighting factors is generated that relates to disparate categories of information that might be used to compare merchant products and services.

52. In operation, the disclosed systems and methods use information associated with two or more information comparison categories including, for example, price, product availability, product inventory, time to deliver the product, payment terms, payment method, merchant creditworthiness, and inventory.

53. The inventor of the Asserted Patents recognized and noted in the specifications of the Asserted Patents that then-existing online shopping systems and “shop bots” provided a price comparison tool with product or service ranking based only on the offered price of the product or service. '429 Patent at 1:13-20. For example, the Jungle website and MySimon shop bots website provided price comparison tools that ranked the available items solely on the price listed on the websites of the merchants. *Id.* at 1:24-33.

54. Mr. Wanker recognized that the existing prior art systems led merchants to hide the actual cost of the product by offering a product at a lower price to reach a higher rank in the returned ranking list presented to consumers,

while simultaneously adding large shipping and handling surcharges for final product delivery because the sole criterion to achieving a higher rank was the offering price. *Id.* at 1:39-48. The existing prior art ignored total purchase price.

55. A key challenge recognized by Mr. Wanker was that because prior art shopping systems had no mechanism to control the search results by “customiz[ing] the site to their needs or to rank competing products based on more than just offered price,” consumers were not able to compare product and service offerings from different vendors. *Id.* at 2:13-15.

56. Mr. Wanker recognized the challenge consumers faced in comparing multiple categories of otherwise unrelated information in a cost-effective or reasonable way. Merchants employed steps to prevent consumers from comparing prices between competing products by only allowing customization of their specific product for price. Thus, merchants would deliver “data on their offered product in a manner most favorable” to the merchant and exclude pricing information for similarly configured competing products. *Id.* at 2:7-15.

57. In looking to solve this problem of comparing different products and multiple categories of information about each product, Mr. Wanker invented systems and methods to define, prior to data analysis, consumer-modifiable weighting factors for different categories of merchant and product information,

collect the required information from each merchant or data source, calculate product ranks, and present the ranked list to the consumer.

58. Those of skill in the art at the time of the Plaintiff's inventions would recognize that the claimed subject matter marks significant improvement in online product purchasing systems by providing automated product or service comparison that simultaneously improved computer processing efficiency.

59. Persons of skill in the art would recognize that the claimed consumer-definable, multi-category comparison information reduces processing time and increases processor efficiency.

60. Those of ordinary skill in the art in 1999 understood that conventional online shopping systems could not deliver consumer-defined product or service ranking for different products from different vendors based on anything other than a simple price comparison which is unlike the inventions described, enabled, and claimed in the Asserted Patents.

61. The technical solutions of the Asserted Patents eliminate the need for consumers of products and/or services to make purchasing (or contract award) decisions based on price alone.

62. To enable consumers to make purchasing (or contract award) decisions based on more than the price of the product or service alone and to overcome the prior art problems, the Asserted Patents disclose and claim inventive

and unconventional user interface and data processing technology. The technical solutions disclosed and claimed in the Asserted Patents were, at the time, not well-understood, routine, or conventional activity.

63. During prosecution of the '041 patent, the Patent Examiner determined that the Plaintiff's claimed inventions were directed to patent eligible subject matter and not an abstract idea in concluding the claimed "functionality corresponds to an improved user interface for pre-filtering or limiting query results." 12/1/2016 Notice of Allowability, '041 Patent File History, at 2.

64. The claimed subject matter of the Asserted Patents presents advancements in the field of user-interface design and data processing technology that provide functionality, cost-effective use, and usability that was unavailable in routine use by conventional online product comparison tools and/or systems at the time.

**United States Patent No. 7,302,429**

65. The USPTO issued the '429 patent on November 27, 2007, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

66. The '429 patent is valid and enforceable.

67. The '429 patent claims methods and systems for automated merchant, product and service comparison, ranking and selection.

68. The claimed subject matter of the '429 patent marks a significant technological improvement over the prior art.

69. At the time of the invention of the '429 patent it was a novel technological solution to combine consumer-definable category weighting factors and information from multiple merchants for multiple products and services into a product comparison ranked list.

70. The technological solution disclosed and claimed in the '429 Patent was not well-understood, routine, or conventional activity at the time of the invention of the '429 patent.

71. A copy of the '429 patent is attached as Exhibit A.

**United States Patent No. 8,126,779**

72. The USPTO issued the '779 patent on February 28, 2012, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

73. The '779 patent is valid and enforceable.

74. The '779 patent claims methods for creating default weighting factors within an automated product and service comparison, ranking and selection system.

75. The claimed subject matter of the '779 patent marks a significant technological improvement over the prior art.

76. At the time of the invention of the '779 patent it was a novel technological solution to generate and present default weighting factors and possible weighting factor paradigms in combination with consumer-selectable category weighting factors and information from multiple merchants for multiple products and services to create a product comparison ranked list.

77. The technological solution disclosed and claimed in the '779 Patent was not well-understood, routine, or conventional activity at the time of the invention of the '779 patent.

78. A copy of the '779 patent is attached as Exhibit B.

**United States Patent No. 8,204,797**

79. The USPTO issued the '797 patent on June 19, 2012, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

80. The '797 patent is valid and enforceable.

81. The '797 patent claims methods and systems for automated product and service comparison ranking and selection.

82. The claimed subject matter of the '797 patent marks a significant technological improvement over the prior art.

83. At the time of the invention of the '797 patent it was a novel technological solution to combine consumer-definable category weighting factors

and information from multiple merchants for multiple products and services into a product comparison ranked list.

84. The technological solution disclosed and claimed in the '797 Patent was not well-understood, routine, or conventional activity at the time of the invention of the '797 patent.

85. A copy of the '797 patent is attached as Exhibit C.

**United States Patent No. 9,595,041**

86. The USPTO issued the '041 patent on March 14, 2017, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

87. The '041 patent is valid and enforceable.

88. The '041 patent claims methods and systems for automated product and service comparison, ranking and selection.

89. The claimed subject matter of the '041 patent marks a significant technological improvement over the prior art.

90. At the time of the invention of the '041 patent it was a novel technological solution to combine consumer-definable category weighting factors and information from multiple merchants for multiple products and services into a product comparison ranked list.

91. The technological solution disclosed and claimed in the '041 Patent was not well-understood, routine, or conventional activity at the time of the invention of the '041 patent.

92. A copy of the '041 patent is attached as Exhibit D.

### **DEFENDANT'S PPIRS SYSTEM**

93. The United States, through at least the DoD, makes, uses and/or causes to be manufactured a product and service procurement system known as the Past Performance Information Retrieval System ("PPIRS" or "the Accused System").

94. The Accused System is used by numerous United States procurement authorities, including at least the Departments of Defense, Treasury, Interior, Homeland Security, Justice, Agriculture, Veterans Affairs, Health and Human Services, and State, as well as the Defense Logistics Agency, the United States Agency for International Development, the General Services Administration, and United States Office of Personnel Management.

95. The page at <http://www.wingovernmentcontracts.com/past-performance-information-retrieval-system.htm> describes the Accused System as follows: "The Past Performance Information Retrieval System (PPIRS) is a web-enabled, government-wide application that provides timely and pertinent contractor

past performance information to the Federal acquisition community for use in making source selection decisions.”

96. The description at <http://www.wingovernmentcontracts.com/past-performance-information-retrieval-system.htm> accurately describes the operation of the Accused System.

97. The GSA directs and controls PPIRS. United States Government Accountability Office Report to Congressional Committees, CONTRACTOR PERFORMANCE Actions Taken to Improve Reporting of Past Performance Information (“GAO 14-707 (Aug. 2014)”) at 4, fn. 8.

98. Defendant publishes information regarding the use and operation of released versions of the Accused System in the form of online documentation, including at least user manuals, that is made available for download at <https://www.ppirs.gov>.

99. The description at <https://www.ppirs.gov> accurately describes the operation of the Accused System.

100. PPIRS is sponsored by the DOD E-Business Office and administered by the Naval Sea Logistics Center Detachment Portsmouth. GAO 14-707 (Aug. 2014), at 4, fn. 8; see Naval Sea Logistics Center Portsmouth, *Department of Defense Past Performance Information Retrieval System (PPIRS-SR)*, Software

User's Manual (Feb. 2014), [https://www.ppirs.gov/pdf/PPIRS-SR\\_UserMan.pdf](https://www.ppirs.gov/pdf/PPIRS-SR_UserMan.pdf) (hereafter "Software User's Manual").

101. Defendant published the Software User's Manual found at [https://www.ppirs.gov/pdf/PPIRS-SR\\_UserMan.pdf](https://www.ppirs.gov/pdf/PPIRS-SR_UserMan.pdf).

102. The Software User's Manual accurately describes the operation of the Accused System. Software User's Manual, at i.

PPIRS-SR Software User's Manual

PPIRS-SR- 2.2.18

**PPIRS-SR 2.2.18 Document Acceptance**

The undersigned agree this Past Performance Information Retrieval System Statistical Reporting (PPIRS-SR) Software User's Manual Version 2.2.18 accurately describes the PPIRS-SR and the activities surrounding its development.

103. The United States Navy's Naval Sea Logistics Center Detachment in Portsmouth, New Hampshire develops, designs and maintains the PPIRS system. Software User's Manual, at 6; *see also* Naval Sea Logistics Center Portsmouth, *Department of Defense SPRS Supplier Performance Risk System*, SPRS Software User's Manual, 18 (Jan. 2018), [https://www.ppirssrng.csd.disa.mil/pdf/SPRS\\_UserManual.pdf](https://www.ppirssrng.csd.disa.mil/pdf/SPRS_UserManual.pdf) (hereafter "SPRS Software User's Manual").

104. Defendant published the SPRS Software User's Manual found at [https://www.ppirssrng.csd.disa.mil/pdf/SPRS\\_UserManual.pdf](https://www.ppirssrng.csd.disa.mil/pdf/SPRS_UserManual.pdf).

105. The SPRS Software User's Manual accurately describes the operation of the Accused System. SPRS Software User's Manual, at i.

SPRS Software User's Manual

SPRS 3.2.7

**SPRS 3.2.7 Document Acceptance**

The undersigned agree this Supplier Performance Risk System (SPRS) Software User's Manual Version 3.2.7 accurately describes the SPRS and the activities surrounding its development.

106. PPIRS comprises at least two components, including Report Cards ("PPIRS-RC") and the Supplier Performance Risk System ("SPRS").

107. SPRS has previously been named the Past Performance Information Retrieval System—Statistical Reporting ("PPIRS-SR") and the Past Performance Information Retrieval System—Statistical Reporting, Next Generation ("PPIRS-SR NG").

108. SPRS version 3.2.7 was released January 2018. SPRS Software User's Manual, at ii.

109. PPIRS is a web-enabled, on-line comparison system for ranking merchants that sell products and services to the United States Government.

**1. WHAT IS SPRS?**

Supplier Performance Risk System (SPRS) is a web-enabled enterprise application that gathers, processes, and displays data about the performance of suppliers. SPRS is the Department of Defense's single, authorized application to retrieve suppliers' performance information. The Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 213.1 requires contracting officers to consider this data for supply contracts valued at less than or equal to \$1 million.

SPRS is a web-enabled application accessed through the Naval Sea Logistics Center Portsmouth web applications at <https://www.sprs.csd.disa.mil/>.

SPRS Software User's Manual, at 1;

**1. WHAT IS PPIRS-SR?**

Past Performance Information Retrieval System Statistical Reporting (PPIRS-SR) provides past delivery and quality performance information for commodities including contracts under the thresholds established in the PPIRS report card system. The sources of data include: the Department of Navy's Product Data Reporting and Evaluation Program (PDREP), the Army's Logistics Modernization Program - Virtual Contracting Enterprise Reporting and Delinquency System (LMP-VCERADS), the Air Force's JO18 (Delivery), the Joint Deficiency Reporting System (JDRS) for joint Services aviation PQDRs, and DLA's Automated Best Value System (ABVS). ABVS will be replaced by DLA's Enterprise Business System's (EBS) eProcurement tool around the start of FY 2013. The Air Force delivery system JO18 is fed from JO41 and is used only by the three Air Force Logistics Centers (Robins AFB, Tinker AFB, and Hill AFB).

PPIRS-SR is a web-enabled application accessed through the Naval Sea Logistics Center Detachment Portsmouth web applications at [www.PPIRS.gov](http://www.PPIRS.gov).

Software User's Manual, at 1.

110. PPIRS is a repository for United States Government contractor past-performance information.

111. PPIRS is the sole United States Government authorized repository for contractor past-performance information.

112. PPIRS runs on one or more servers.

113. In operation, the Accused System uses one or more servers.

114. In operation, the Accused System operates on one or more servers.

115. PPIRS stores in a database information regarding individual government contractors, the products and services offered by each contractor, and the corresponding contract performance data for each contractor:

**1. WHAT IS SPRS?**

Supplier Performance Risk System (SPRS) is a web-enabled enterprise application that gathers, processes, and displays data about the performance of suppliers. SPRS is the Department of Defense's single, authorized application to retrieve suppliers' performance information. The Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 213.1 requires contracting officers to consider this data for supply contracts valued at less than or equal to \$1 million.

SPRS is a web-enabled application accessed through the Naval Sea Logistics Center Portsmouth web applications at <https://www.sprs.csd.disa.mil/>.

SPRS Software User's Manual, at 1;

**1. WHAT IS PPIRS-SR?**

Past Performance Information Retrieval System Statistical Reporting (PPIRS-SR) provides past delivery and quality performance information for commodities including contracts under the thresholds established in the PPIRS report card system. The sources of data include: the Department of Navy's Product Data Reporting and Evaluation Program (PDREP), the Army's Logistics Modernization Program - Virtual Contracting Enterprise Reporting and Delinquency System (LMP-VCERADS), the Air Force's JO18 (Delivery), the Joint Deficiency Reporting System (JDRS) for joint Services aviation PQDRs, and DLA's Automated Best Value System (ABVS). ABVS will be replaced by DLA's Enterprise Business System's (EBS) eProcurement tool around the start of FY 2013. The Air Force delivery system JO18 is fed from JO41 and is used only by the three Air Force Logistics Centers (Robins AFB, Tinker AFB, and Hill AFB).

PPIRS-SR is a web-enabled application accessed through the Naval Sea Logistics Center Detachment Portsmouth web applications at [www.PPIRS.gov](http://www.PPIRS.gov).

Software User's Manual, at 1.

116. When using the PPIRS system, a U.S. Government contracting officer is a consumer as that term is used in the claims of the Asserted Patents.

117. In the PPIRS system, a vendor that supplies (or offers to supply) products and services to the Government is a merchant.

### **Merchant Comparison Information Data**

118. PPIRS retrieves merchant comparison information data from a database for a plurality of merchants related to completing a potential consumer purchase, where the merchant comparison information data is arranged into categories of non-opinion data.

119. The PPIRS system embodies and practices at least claims 1, 8, 17, and 18 of the '429 Patent.

120. The PPIRS system embodies and practices at least claims 1, 14, 25, and 29 of the '779 Patent.

121. The PPIRS system embodies and practices at least claim 1 of the '797 Patent.

122. The PPIRS system embodies and practices at least claims 1, 8, and 9 of the '041 Patent.

123. The PPIRS system embodies and practices at least claims 1, 8, 17, and 18 of the '429 Patent by retrieving from its database historical vendor past performance data to evaluate and rank vendors according to Cost, Delivery, and Quality.

124. The PPIRS system embodies and practices at least claims 1, 14, 25, and 29 of the '779 Patent by retrieving from its database historical vendor past

performance data to evaluate and rank vendors according to Cost, Delivery, and Quality.

125. The PPIRS system embodies and practices at least claim 1 of the '797 Patent by retrieving from its database historical vendor past performance data to evaluate and rank vendors according to Cost, Delivery, and Quality.

126. The PPIRS system embodies and practices at least claims 1, 8, and 9 of the '041 Patent by retrieving from its database historical vendor past performance data to evaluate and rank vendors according to Cost, Delivery, and Quality.

127. PPIRS includes a feature referred to as "Best Value Assessment". SPRS Software User's Manual at 43.

128. The Best Value Assessment feature "ranks perspective [sic, prospective] vendors based on Cost, Delivery and Quality." SPRS Software User's Manual at 43; Software User's Manual at 57.

129. The Best Value Assessment feature of PPIRS allows variable weights to be assigned to the Cost, Delivery, and Quality evaluation factors in determining the best value rankings as shown below in an excerpt from the SPRS Software User's Manual, at 44, and the Software User's Manual, at 58, respectively:

## SPRS Software User's Manual

SPRS 3.2.7

SOLICITATION INQUIRY REPORT			
			<input type="button" value="Print"/>
Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503			
<b>Instructions:</b>			
1. Enter a unique <b>PO/Solicitation Number</b>			
2. Enter one or more <b>CAGE/DUNS</b> and <b>Supply Codes</b> . Multiple CAGE Codes need to be separated by a colon.			
3. After Cages Codes are entered, select <b>Add CAGE</b> button to add Cage Codes.			
4. If a DUNS number is added, select <b>ADD DUNS</b> button to add DUNS.			
<b>Instructions for Standard Assessment:</b>			
5. Select <b>Standard Assessment</b> button to view the requested information.			
6. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b> . The inquiry information will then be saved to the user solicitation history file.			
7. To save solicitation inquiry without award, select <b>Save Without Award</b> . The inquiry information will be saved to the user solicitation history file.			
<b>Instructions For Best Value</b>			
5. Select <b>Best Value Assessment</b> button.			
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).			
7. Enter vendor <b>bid value</b> amounts.			
8. Select <b>Calculate Best Value</b> button to view requested information.			
9. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b> . The inquiry information will then be saved to the user solicitation history file.			
10. Best Value Inquiries are automatically saved without award.			
<b>Notes:</b> (M) Indicates Mandatory Field.			
(M) PO/Solicitation Number:	<input type="text" value="LS-2018-2-12-00002"/>		
(M) FSC Supply Code:	<input type="text" value="4620"/>	<input type="text"/>	<input type="text"/>
(M) CAGE Code:	<input type="text"/>	<input type="button" value="Add CAGE"/>	
	(multiple CAGE Code e.g. #####:#####:#####)		
DUNS:	<input type="text"/>	<input type="button" value="Add DUNS"/>	
	List of selected CAGE Code(s).		
	<input type="text" value="CRM14"/> <input type="text" value="243ZR"/>		
	<input type="button" value="Remove CAGE Code"/>		
	<input type="button" value="Best Value Assessment"/>		
(M) Cost %:	<input type="text" value="33"/>		
(M) Delivery %:	<input type="text" value="33"/>		
(M) Quality %:	<input type="text" value="33"/>		
CAGE	Bid Value		
CRM14	<input type="text"/>		
243ZR	<input type="text"/>		
<input type="button" value="Calculate Best Value"/>			

**Figure 31: Solicitation Inquiry Report (Calculate Best Value)**

- c. User is required to weight categories (Cost, Delivery, Quality) according to importance, ***total percentage must equal 100***  
and
- d. Enter the bid values for each CAGE

**Instructions For Best Value**

3. Select **Best Value Assessment** button.
4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
5. Enter Vendor **bid value** amounts.
6. Select **Calculate Best Value** button to view requested information.
7. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**.  
The inquiry information will then be saved to the user solicitation history file.
8. Best Value Inquiries are automatically saved without award.

**Notes:**

1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.
2. (M) Indicates Mandatory Field.

(M) PO/Solicitation Number:

(M) FSC Supply Code:

(M) CAGE Codes:

(multiple CAGE Code e.g. #####:#####:#####)

DUNS:

List of selected CAGE Code(s).

(M) Cost %:

(M) Delivery %:

(M) Quality %:

CAGE	Bid Value
1517000	<input type="text"/>
1517000	<input type="text"/>

**Figure 59: Solicitation Inquiry Report (Calculate Best Value)**

- i. User is required to weight categories (Cost, Delivery, Quality) according to importance, *total percentage must equal 100* and

130. PPIRS-SR version 2.2.18 was the first version of PPIRS to include the Best Value Assessment feature. Software User's Manual, at 2-3, 57-61.

131. The Best Value Assessment feature was released no earlier than March 2013. Software User Manual, at 2.

132. All SPRS versions, including those named PPIRS-SR and PPIRS-SR NG, released after version 2.2.18, include the Best Value Assessment feature with the customizable, weighted Cost, Delivery, and Quality comparison factors.

133. SPRS includes a “Standard Assessment” feature. SPRS Software User’s Manual, at 36-43.

134. The Standard Assessment feature of SPRS uses the default Cost, Delivery, and Quality factors.

135. The excerpt shown below from the SPRS Software User’s Manual, at 40 (with red emphasis boxes added to “Weighted Delivery Score” and “Quality Score” columns) demonstrates that the Standard Assessment feature of SPRS uses the default Cost, Delivery, and Quality factors.

**SOLICITATION INQUIRY REPORT**

Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique **PO/Solicitation Number**
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Multiple CAGE Codes need to be separated by a colon.
3. After CAGE Codes are entered, select **Add CAGE** button to add CAGE Codes.
4. If a DUNS number is added, select **ADD DUNS** button to add DUNS.

**Instructions for Standard Assessment:**

5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
7. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions For Best Value**

5. Select **Best Value Assessment** button.
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
7. Enter vendor **bid value** amounts.
8. Select **Calculate Best Value** button to view requested information.
9. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
10. Best Value Inquiries are automatically saved without award.

**Notes:** (M) Indicates Mandatory Field.

(M) PO/Solicitation Number: LS-2018-2-12-00001

(M) FSC Supply Code: 4820

(M) CAGE Code: Add CAGE

DUNS: Add DUNS

(multiple CAGE Code e.g. #####:#####)

List of selected CAGE Code(s):

PP1R5  
407L1  
TSQ91

Remove CAGE Code

Standard Assessment Best Value Assessment

Figure 25: Solicitation Inquiry Standard or Best Value Assessment

- k. Run the inquiry, click Standard Assessment or Best Value Assessment
- l. If Standard Assessment is selected the Standard Assessment results are displayed

Awarded (Optional)	CAGE	Supply Code	Weighted Delivery Score	Total Line Item	Quality Color	Quality Score	Total Records	Classification Date	
<input type="checkbox"/>	PP1R5	4820	3	9	PURPLE	.562	32	01/09/2018	Get Detail Report
<input type="checkbox"/>	407L1	4820	0	0	BLUE	1.111	5	01/09/2018	Get Detail Report
<input type="checkbox"/>	TSQ91	4820	16	383	GREEN	.049	88	01/09/2018	Get Detail Report

Save with Award Save without Award

Figure 26: Solicitation Inquiry Report Detail (Standard Assessment)

**NOTE:** Place pointer over the symbol to see a popup containing vendor's name and address.

- k. To view any Detail Report, click the Get Detail Report adjacent to any line displayed on the report. A separate browser window will open and display the Detailed Report for that CAGE and FSC

136. Defendant, including DoD, instructs and encourages source selection and/or procurement personnel in at least the Departments, Agencies and other

United States Governmental offices listed in paragraph 94 above to use the Best Value Assessment feature within SPRS.

137. The excerpt of the SPRS Software User's Manual shown below (highlighted by red boxes) from pages 43-45 (black emphasis arrows and braces in original) demonstrates that Defendant, including DoD, instructs and encourages source selection and/or procurement personnel in at least the Departments, Agencies and other United States Governmental offices listed in paragraph 94 above to use the Best Value Assessment feature within SPRS:

#### 4.1.2 Best Value Assessment

Best Value Assessment ranks perspective vendors based on Cost, Delivery and Quality.

**NOTE:** The following screens contain fields for FSC Supply Codes. These can be either FSC or NAICS based on selection in **Figure 15: FSC or NAICS Selection Screen DoD Only**

**SOLICITATION INQUIRY REPORT** Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique PO/Solicitation Number
2. Enter one or more CAGE/DUNS and Supply Codes. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select **Add CAGE** button to add CAGE Codes.
4. If a DUNS number is added, select **ADD DUNS** button to add DUNS.

**Instructions for Standard Assessment:**

5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
7. To save solicitation info. without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions for Best Value:**

5. Select **Best Value Assessment** button.
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
7. Enter vendor bid value amounts.
8. Select **Calculate Best Value** button to view requested information.
9. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
10. Best Value inquiries are automatically saved without award.

Values (M) indicates Mandatory Fields

(M) PO/Solicitation Number:

(M) FSC Supply Code:

(M) CAGE Code:  Add CAGE

(multiple CAGE Code e.g. #####:#####)

DUNS:  Add DUNS

List of selected CAGE Code(s):

CRM14  
2432R

Remove CAGE Code

Standard Assessment Best Value Assessment

**Figure 30: Solicitation Inquiry Window (Best Value Assessment)**

- a. Enter Purchase Order/Solicitation Number, FSC(s) and CAGE code(s) as described above (*See Section 4.1.1 Standard Assessment a.- h.*)
- b. Click the Best Value Assessment button

## SPRS Software User's Manual

SPRS 3.2.7

SOLICITATION INQUIRY REPORT	
<p>Source Selection Sensitive Information, (see FAR 2.101, 2.104, and 42.1503)</p> <p><b>Instructions:</b></p> <ol style="list-style-type: none"> <li>1. Enter a unique <b>PO/Solicitation Number</b></li> <li>2. Enter one or more <b>CAGE/DUNS</b> and <b>Supply Codes</b>. Multiple CAGE Codes need to be separated by a colon.</li> <li>3. After Cages Codes are entered, select <b>Add CAGE</b> button to add CAGE Codes.</li> <li>4. If a DUNS number is added, select <b>ADD DUNS</b> button to add DUNS.</li> </ol> <p><b>Instructions for Standard Assessment:</b></p> <ol style="list-style-type: none"> <li>5. Select <b>Standard Assessment</b> button to view the requested information.</li> <li>6. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b>. The inquiry information will then be saved to the user solicitation history file.</li> </ol> <p><b>Instructions For Best Value</b></p> <ol style="list-style-type: none"> <li>5. Select <b>Best Value Assessment</b> button.</li> <li>6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).</li> <li>7. Enter vendor <b>bid value</b> amounts.</li> <li>8. Select <b>Calculate Best Value</b> button to view requested information.</li> <li>9. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b>. The inquiry information will then be saved to the user solicitation history file.</li> <li>10. Best Value Inquiries are automatically saved without award.</li> </ol> <p><b>Notes:</b> N/A Suppliers: Mandatory Field</p>	
<p>(M) PO/Solicitation Number:</p> <p>(M) FSC Supply Codes:</p> <p>(M) CAGE Code:</p> <p>DUNS:</p>	<p>LS-2018-2-12-00002</p> <p>4020</p> <p>Add CAGE</p> <p>(multiple CAGE Code e.g., #####:#####)</p> <p>Add DUNS</p> <p>List of selected CAGE Code(s):</p> <p>CRM14</p> <p>243ZR</p> <p>Remove CAGE Code</p> <p>Best Value Assessment</p> <p>(M) Cost %: 33</p> <p>(M) Delivery %: 33</p> <p>(M) Quality %: 33</p> <p>CAGE Bid Value</p> <p>CRM14</p> <p>243ZR</p> <p>Calculate Best Value</p>

**Figure 31: Solicitation Inquiry Report (Calculate Best Value)**

- c. User is required to weight categories (Cost, Delivery, Quality) according to importance, **total percentage must equal 100**  
and
- d. Enter the bid values for each CAGE

## SPRS Software User's Manual

SPRS 3.2.7

**SOLICITATION INQUIRY REPORT**

Print

Source Selection Sensitive Information. See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique **PO/Solicitation Number**.
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select **Add CAGE** button to add CAGE Codes.
4. If a DUNS number is added, select **ADD DUNS** button to add DUNS.

**Instructions for Standard Assessment:**

5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.

**Instructions For Best Value**

5. Select **Best Value Assessment** button.
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
7. Enter Vendor **bid value** amounts.
8. Select **Calculate Best Value** button to view requested information.
9. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
10. Best Value Inquiries are automatically saved without award.

(M) PO/Solicitation Number: LS-2010-2-12-00002

(M) FSC Supply Code: 4020

(M) CAGE Code: Add CAGE

(multiple CAGE Code e.g., #####:#####)

DUNS: Add DUNS

List of selected CAGE Code(s):

CRM14  
243ZR

Remove CAGE Code

Best Value Assessment

(M) Cost %: 25

(M) Delivery %: 25

(M) Quality %: 50

CAGE Bid Value

CRM14 209.20

243ZR 215.25

Calculate Best Value

Figure 32: Solicitation Inquiry Report (Calculate Best Value), entering weights &amp; values

- e. Click Calculate Best Value
- f. Venders are ranked in 'Best Value' order

## Weighting Factors

138. PPIRS uses consumer-configurable, weighting factors corresponding to categories of merchant comparison information data.

139. The PPIRS system embodies and practices at least claims 1, 8, 17, and 18 of the '429 Patent when contracting officers use the Cost, Delivery, and Quality weighting factors.

140. The PPIRS system embodies and practices at least claims 1, 14, 25, and 29 of the '779 Patent when contracting officers use the Cost, Delivery, and Quality weighting factors.

141. The PPIRS system embodies and practices at least claim 1 of the '797 Patent when contracting officers use the Cost, Delivery, and Quality weighting factors.

142. The PPIRS system embodies and practices at least claims 1, 8, and 9 of the '041 Patent when contracting officers use the Cost, Delivery, and Quality weighting factors.

143. PPIRS is an online, web-enabled system.

144. The PPIRS system includes a feature for ranking government contractors (i.e., merchants), products, and services.

145. The feature for ranking contractors is named "Best Value Assessment."

146. The Best Value Assessment feature includes weighting factors for at least the Cost, Delivery, and Quality categories.

147. PPIRS presents the "Standard Assessment" and "Best Value Assessment" buttons to the contracting authority prior to presenting the Cost, Delivery, and Quality weighting factors.

148. The excerpts below from the SPRS Software User's Manual at 38 and the Software User's Manual at 52 (emphasis in original), respectively, demonstrate that PPIRS presents the "Standard Assessment" and "Best Value Assessment" buttons to the contracting authority prior to presenting the Cost, Delivery, and Quality weighting factors:

**SOLICITATION INQUIRY REPORT**

Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique **PO/Solicitation Number**
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select **Add CAGE** button to add Cage Codes.
4. If a DUNS number is added, select **ADD DUNS** button to add DUNS.

**Instructions for Standard Assessment:**

5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
7. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions For Best Value**

5. Select **Best Value Assessment** button.
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
7. Enter Vendor **bid value** amounts.
8. Select **Calculate Best Value** button to view requested information.
9. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
10. Best Value Inquiries are automatically saved without award.

**Notes:** (M) Indicates Mandatory Field.

(M) PO/Solicitation Number: LS-2018-2-12-00001

(M) FSC Supply Code: 4820

(M) CAGE Code: Add CAGE

(multiple CAGE Code e.g. #####:#####:#####)

DUNS: Add DUNS

List of selected CAGE Code(s):

PP1R5  
407L1  
TSQ91

Remove CAGE Code

Standard Assessment Best Value Assessment

**Figure 22: Solicitation Inquiry Window with multiple CAGE Codes**

**PAST PERFORMANCE INFORMATION RETRIEVAL SYSTEM - STATISTICAL REPORTING**

**SOLICITATION INQUIRY REPORT** [Print](#)

Source Selection Sensitive Information, See FAR 2.101 and 3.104

**Instructions:**

1. Enter a unique **PO/Solicitation Number**

2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Enter multiple CAGE's separated by a colon

**For Standard Assessment:**

3. Select **Standard Assessment** button to view the requested information.

4. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.

5. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions For Best Value**

3. Select **Best Value Assessment** button.

4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).

5. Enter Vendor **bid value** amounts.

6. Select **Calculate Best Value** button to view requested information.

7. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.

8. Best Value Inquiries are automatically saved without award.

**Notes:**

1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.

2. (M) Indicates Mandatory Field.

(M) PO/Solicitation Number:

(M) FSC Supply Code:

(M) CAGE Code:  [Add CAGE](#)

(multiple CAGE Code e.g. #####:#####:#####)

DUNS:  [Add DUNS](#)

List of selected CAGE Code(s).

--

[Remove CAGE Code](#)

[Standard Assessment](#) [Best Value Assessment](#)

**Figure 53: Solicitation Inquiry Window with multiple CAGE Codes**

- i. Run the inquiry, click **Standard Assessment** or **Best Value Assessment**
- j. If Standard Assessment is selected the Standard Assessment results are displayed

149. PPIRS maintains a historical record of contracting officer entered information, including the Cost, Delivery, and Quality weighting factors. SPRS Software User's Manual, at 51-58; Software User's Manual, at 64-66.

150. PPIRS stores historical records of contracting officer entered information, including the Cost, Delivery, and Quality weighting factors in a database.

151. Defendant's source selection authority (e.g., a contracting officer) enters weighting factor values into the Best Value Assessment feature in PPIRS for the Cost, Delivery, and Quality categories.

152. The Cost, Delivery, and Quality weighting factors are entered as percentages. SPRS Software User's Manual, at 44; Software User's Manual, at 57.

153. The sum of the Cost, Delivery, and Quality weighting factors must equal 100 percent. SPRS Software User's Manual, at 44; Software User's Manual, at 57.

154. PPIRS identifies each government contractor using a Commercial and Government Entity Code ("CAGE") code.

155. PPIRS identifies product types using a Federal Supply Code ("FSC").

156. In operation of the Accused System, Defendant's source selection authority (e.g., contracting officer) identifies one or more contractors (by CAGE code) for evaluation and comparison.

157. The following excerpt from the SPRS software user's manual at 38 (red emphasis boxes added) demonstrates that in operation of the Accused System

Defendant's source selection authority (e.g., contracting officer) can identify one or more contractors (by CAGE code) for evaluation and comparison:

SPRS Software User's Manual

SPRS 3.2.7

h. Click the Add CAGE button, a box will appear with the newly added CAGE codes

**NOTE:** *The Add CAGE button also checks the Excluded Parties List, no CAGE on the EPL may be added.*

**SOLICITATION INQUIRY REPORT**

Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique PO/Solicitation Number.
2. Enter one or more CAGE/DUNS and Supply Codes. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select **Add CAGE** button to add Cage Codes.
4. If a DUNS number is added, select **ADD DUNS** button to add DUNS.
5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
7. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions For Best Value**

5. Select **Best Value Assessment** button.
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
7. Enter Vendor **bid value** amounts.
8. Select **Calculate Best Value** button to view requested information.
9. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
10. Best Value Inquiries are automatically saved without award.

**Notes:** (M) Indicates Mandatory Field.

(M) PO/Solicitation Number: LS-2018-2-12-00001

(M) FSC Supply Code: AB20

(M) CAGE Code:  **Add CAGE**

(multiple CAGE Code e.g. #####:#####:#####)

DUNS:  **Add DUNS**

List of selected CAGE Code(s):

PP1R5  
407L1  
TSQ91

**Remove CAGE Code**

**Standard Assessment** **Best Value Assessment**

**Figure 22: Solicitation Inquiry Window with multiple CAGE Codes**

158. PPIRS compares the Cost, Delivery, and Quality information of each government contractor against the contracting officer's identified set of available government contractors to be considered for source selection.

159. PPIRS determines, for each contractor identified by CAGE code, a score for the Cost, Delivery, and Quality information stored in PPIRS.

160. PPIRS simultaneously compares multiple government contractors and products to create an ordered contractor ranking for contract award based on each

contractor's Cost, Delivery, and Quality information and weighting comparison factors.

161. The following excerpts from the SPRS Software User's Manual at 38 (red emphasis boxes added), and the Software User's Manual at 52 (emphasis in original), respectively, demonstrate that PPIRS simultaneously compares multiple government contractors and products to create an ordered contractor ranking for contract award based on each contractor's Cost, Delivery, and Quality information and weighting comparison factors:

SPRS Software User's Manual

SPRS 3.2.7

h. Click the Add CAGE button, a box will appear with the newly added CAGE codes

**NOTE:** *The Add CAGE button also checks the Excluded Parties List, no CAGE on the EPL may be added.*

The screenshot displays the 'SOLICITATION INQUIRY REPORT' window. It includes a 'Print' button and source selection sensitive information. The 'Instructions' section provides guidance on entering PO/Solicitation Numbers, CAGE/DUNS and Supply Codes, and using the 'Add CAGE' and 'Add DUNS' buttons. The 'Instructions for Standard Assessment' and 'Instructions For Best Value' sections detail the process of selecting assessment buttons and saving inquiries. A 'Notes' section indicates that '(M)' denotes a mandatory field.

The form fields are as follows:

- (M) PO/Solicitation Number: LS-2018-2-12-00001
- (M) FS: Supply Code: 4820
- (M) CAGE Code: [Empty field]
- DUNS: [Empty field]

Buttons include 'Add CAGE', 'Add DUNS', 'Remove CAGE Code', 'Standard Assessment', and 'Best Value Assessment'.

A red box highlights the 'Add CAGE' button and the resulting 'List of selected CAGE Code(s)' window, which contains the following codes:

- PP1R5
- 407L1
- TSQ91

Figure 22: Solicitation Inquiry Window with multiple CAGE Codes

**PAST PERFORMANCE INFORMATION RETRIEVAL SYSTEM - STATISTICAL REPORTING**

**SOLICITATION INQUIRY REPORT**

Source Selection Sensitive Information, See FAR 2.101 and 3.104

**Instructions:**

1. Enter a unique **PO/Solicitation Number**
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Enter multiple CAGE's separated by a colon

**For Standard Assessment:**

3. Select **Standard Assessment** button to view the requested information.
4. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
5. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions For Best Value**

3. Select **Best Value Assessment** button.
4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
5. Enter Vendor **bid value** amounts.
6. Select **Calculate Best Value** button to view requested information.
7. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
8. Best Value Inquiries are automatically saved without award.

**Notes:**

1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.
2. (M) Indicates Mandatory Field.

(M) PO/Solicitation Number: SAMPLE-SA

(M) FSC Supply Code: 4730 1720 4720 1680 3040

(M) CAGE Code: (multiple CAGE Code e.g. #####:#####)

DUNS: Add DUNS

List of selected CAGE Code(s):

Remove CAGE Code

Standard Assessment Best Value Assessment

**Figure 53: Solicitation Inquiry Window with multiple CAGE Codes**

- Run the inquiry, click **Standard Assessment** or **Best Value Assessment**
- If Standard Assessment is selected the Standard Assessment results are displayed

162. PPIRS supports weighting factors for multiple products simultaneously, with each FSC Supply Code representing a separate product or service.

163. The following excerpt from the Software User's Manual at 61 (red emphasis box added) demonstrates that PPIRS supports weighting factors for multiple products simultaneously, with each FSC Supply Code representing a separate product or service:

- b. Up to five (5) FSCs may be entered
- c. A single CAGE code, or multiple CAGE codes may be entered

**PAST PERFORMANCE INFORMATION RETRIEVAL SYSTEM - STATISTICAL REPORTING**

**SOLICITATION INQUIRY REPORT** [Print](#)

Source Selection Sensitive Information, See FAR 2.101 and 3.104

**Instructions:**

1. Enter a unique **PO/Solicitation Number**
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Enter multiple CAGE's separated by a colon

**For Standard Assessment:**

3. Select **Standard Assessment** button to view the requested information.
4. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
5. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions For Best Value**

3. Select **Best Value Assessment** button.
4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
5. Enter Vendor **bid value** amounts.
6. Select **Calculate Best Value** button to view requested information.
7. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
8. Best Value Inquiries are automatically saved without award.

**Notes:**

1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.
2. (M) Indicates Mandatory Field.

(M) PO/Solicitation Number:

(M) SC Supply Code:

(M) CAGE Codes:  [Add CAGE](#)

(multiple CAGE Code e.g. #####:#####:#####)

DUNS:  [Add DUNS](#)

[Standard Assessment](#) [Best Value Assessment](#)

Figure 50: Solicitation Inquiry Window Single CAGE Code

- d. To enter a single CAGE code, enter a CAGE code and click the **Add CAGE** button, a box will appear with the newly added CAGE code

## Querying the Database

164. PPIRS retrieves merchant comparison information from its database in response to a request initiated by a user.

165. The PPIRS system embodies and practices claims 1, 8, 17, and 18 of the '429 Patent when the contracting officer conducts a Standard or Best Value Assessment.

166. The PPIRS system embodies and practices claims 1, 14, 25, and 29 of the '779 Patent when the contracting officer conducts a Standard or Best Value Assessment.

167. The PPIRS system embodies and practices claim 1 of the '797 Patent when the contracting officer conducts a Standard or Best Value Assessment.

168. The PPIRS system embodies and practices claims 1, 8, and 9 of the '041 Patent when the contracting officer conducts a Standard or Best Value Assessment.

169. The Best Value Assessment module queries the PPIRS database when the user selects the "Calculate Best Value" button to obtain the Cost, Delivery, and Quality information on products and services offered by each CAGE code identified government contractor.

170. The following excerpts from the SPRS Software User's Manual at 46 and the Software User's Manual at 59-60 (emphasis in original) demonstrate that the Best Value Assessment module queries the PPIRS database when the user

selects the “Calculate Best Value” button to obtain the Cost, Delivery, and Quality information on products and services offered by each CAGE code identified government contractor:

(M) PO/Solicitation Number: LS 2018-2-12-00002

CAGE	Supply Code	Bid Price	Weighted Delivery Score	Quality Color
CRM14 (M)	4820	\$ 215.25	16	GREEN
243ZR (M)	4820	\$ 289.28	3	PURPLE

Get Detail Report

CAGE	Bid Price	Best Offer	Award
CRM14	\$ 215.25	1	<input type="checkbox"/>
243ZR	\$ 289.28	2	<input type="checkbox"/>

Save with Award Back

Figure 33: Solicitation Inquiry Report Detail (Calculate Best Value) Best Offer Ranking

#### Instructions For Best Value

3. Select **Best Value Assessment** button.
4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
5. Enter Vendor **bid value** amounts.
6. Select **Calculate Best Value** button to view requested information.
7. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**.  
The inquiry information will then be saved to the user solicitation history file.
8. Best Value Inquiries are automatically saved without award.

#### Notes:

1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.
2. (M) Indicates Mandatory Field.

(M) PO/Solicitation Number: SAMPLE-BV

CAGE	Supply Code	Bid Price	Weighted Delivery Score	Quality Color	
76905 (M)	4730	\$ 105	34	GREEN	Get Detail Report
84755 (M)	4730	\$ 110	17	GREEN	Get Detail Report

CAGE	Bid Price	Best Offer	Award
76905	\$ 105	1	<input type="checkbox"/>
84755	\$ 110	2	<input type="checkbox"/>

Save with Award Back

171. The Standard Assessment module queries the PPIRS database when the user selects the “Standard Assessment” button to obtain the Cost, Delivery, and Quality information on products and services offered by each CAGE code identified government contractor.

172. The following excerpts from the SPRS Software User’s Manual at 40 and the Software User’s Manual at 53 (emphasis in original) demonstrate that the Standard Assessment module queries the PPIRS database when the user selects the “Standard Assessment” button to obtain the Cost, Delivery, and Quality information on products and services offered by each CAGE code identified government contractor:

**SOLICITATION INQUIRY REPORT** Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique **PO/Solicitation Number**
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select **Add CAGE** button to add Cage Codes.
4. If a DUNS number is added, select **ADD DUNS** button to add DUNS.

**Instructions for Standard Assessment:**

5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
7. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions for Best Value:**

5. Select **Best Value Assessment** button.
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
7. Enter Vendor **bid value** amounts.
8. Select **Calculate Best Value** button to view requested information.
9. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
10. Best Value Inquiries are automatically saved without award.

**Notes:** (M) indicates Mandatory Field.

(M) PO/Solicitation Number: LS-2018-2-12-00001

(M) FSC Supply Codes: 4820 Add CAGE

(M) CAGE Codes: Add DUNS

DUNS: Remove CAGE Code

(multiple CAGE Code e.g. #####:#####)

List of selected CAGE Code(s):

PP1R3  
407L1  
TSQ91

Standard Assessment Best Value Assessment

Figure 25: Solicitation Inquiry Standard or Best Value Assessment

- k. Run the inquiry, click Standard Assessment or Best Value Assessment
- l. If Standard Assessment is selected the Standard Assessment results are displayed

Solicitation Number: LS-2018-2-12-00001

Awarded (Optional)	CAGE	Supply Code	Weighted Delivery Score	Total Line Item	Quality Color	Quality Score	Total Records	Classification Date	
<input type="checkbox"/>	PP1R3	4820	3	9	PURPLE	.562	32	01/09/2018	Get Detail Report
<input type="checkbox"/>	407L1	4820	0	0	BLUE	1.111	5	01/09/2018	Get Detail Report
<input type="checkbox"/>	TSQ91	4820	16	383	GREEN	.049	88	01/09/2018	Get Detail Report

Save with Award Save without Award

Figure 26: Solicitation Inquiry Report Detail (Standard Assessment)

**NOTE:** Place pointer over the ⓘ symbol to see a popup containing vendor's name and address.

- k. To view any Detail Report, click the Get Detail Report adjacent to any line displayed on the report. A separate browser window will open and display the Detailed Report for that CAGE and FSC

**PAST PERFORMANCE INFORMATION RETRIEVAL SYSTEM - STATISTICAL REPORTING**

**SOLICITATION INQUIRY REPORT**

Source Selection Sensitive Information, See FAR 2.101 and 3.104

**Instructions:**

1. Enter a unique **PO/Solicitation Number**
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Enter multiple CAGE's separated by a colon

**For Standard Assessment:**

3. Select **Standard Assessment** button to view the requested information.
4. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
5. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions For Best Value**

3. Select **Best Value Assessment** button.
4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
5. Enter Vendor **bid value** amounts.
6. Select **Calculate Best Value** button to view requested information.
7. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
8. Best Value Inquiries are automatically saved without award.

**Notes:**

1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.
2. (M) Indicates Mandatory Field.

(M) PO/Solicitation Number:

(M) FSC Supply Code:

(M) CAGE Code:

(multiple CAGE Code e.g. #####:#####)

DUNS:

List of selected CAGE Code(s).

Awarded (Optional)	CAGE	Supply Code	Weighted Delivery Score	Total Line Items	Quality Color	Quality Score	Total Records	Classification Date	
<input type="checkbox"/>	PS 9005	4730	34	31	GREEN	487	37	11/30/2011	<input type="button" value="Get Detail Report"/>
<input type="checkbox"/>	PS 9005	1720	0	1	PURPLE	0	0	11/30/2011	<input type="button" value="Get Detail Report"/>
<input type="checkbox"/>	PS 9005	1680	No Data	0	BLUE	0	0	11/30/2011	<input type="button" value="Get Detail Report"/>
<input type="checkbox"/>	PS 7105	4730	17	06	GREEN	*	0	11/30/2011	<input type="button" value="Get Detail Report"/>
<input type="checkbox"/>	PS 7105	4720	48	24	GREEN	*	0	11/30/2011	<input type="button" value="Get Detail Report"/>
<input type="checkbox"/>	PS 7105	1680	53	82	GREEN	*	0	11/30/2011	<input type="button" value="Get Detail Report"/>
<input type="checkbox"/>	PS 7105	3040	28	17	GREEN	*	0	11/30/2011	<input type="button" value="Get Detail Report"/>

Figure 54: Solicitation Inquiry Report Detail (Standard Assessment)

**Calculating Weighted Category Scores (Merchant Data Weight Resultant Values) and Rank**

173. PPIRS calculates and presents to the contracting officer weighted category scores and a rank for each merchant selected by the contracting officer for comparison.

174. By calculating and presenting product or service rankings for each vendor by first calculating weighted category scores for the Cost, Delivery, and Quality categories of each identified CAGE code by applying the Cost, Delivery, and Quality weighting factors to the corresponding merchant comparison information data retrieved from the PPIRS database, the PPIRS system embodies and practices claims 1, 8, 17, and 18 of the '429 Patent.

175. By calculating and presenting product or service rankings for each vendor by first calculating weighted category scores for the Cost, Delivery, and Quality categories of each identified CAGE code by applying the Cost, Delivery, and Quality weighting factors to the corresponding merchant comparison information data retrieved from the PPIRS database, the PPIRS system embodies and practices claims 1, 14, 25, and 29 of the '779 Patent.

176. By calculating and presenting product or service rankings for each vendor by first calculating weighted category scores for the Cost, Delivery, and Quality categories of each identified CAGE code by applying the Cost, Delivery, and Quality weighting factors to the corresponding merchant comparison

information data retrieved from the PPIRS database, the PPIRS system embodies and practices claim 1 of the '797 Patent.

177. By calculating and presenting product or service rankings for each vendor by first calculating weighted category scores for the Cost, Delivery, and Quality categories of each identified CAGE code by applying the Cost, Delivery, and Quality weighting factors to the corresponding merchant comparison information data retrieved from the PPIRS database, the PPIRS system embodies and practices claims 1, 8, and 9 of the '041 Patent.

178. In PPIRS, the “Supply Code” column is a list of products and services and is associated with the returned contractor rankings, as shown below in the excerpts from the SPRS Software User’s Manual at 46 and the Software User’s Manual at 59-60 (emphasis in original):

(M) PO/Solicitation Number: LS-2018-2-12-00002

CAGE	Supply Code	Bid Price	Weighted Delivery Score	Quality Color
CRM14 ⓘ	4820	\$ 215.25	16	GREEN
243ZR ⓘ	4820	\$ 289.28	3	PURPLE

Get Detail Report

CAGE	Bid Price	Best Offer	Award
CRM14	\$ 215.25	1	<input type="checkbox"/>
243ZR	\$ 289.28	2	<input type="checkbox"/>

Save with Award      Back

**Figure 33: Solicitation Inquiry Report Detail (Calculate Best Value) Best Offer Ranking**

**Instructions For Best Value**

3. Select **Best Value Assessment** button.
4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
5. Enter Vendor **bid value** amounts.
6. Select **Calculate Best Value** button to view requested information.
7. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**.  
The inquiry information will then be saved to the user solicitation history file.
8. Best Value Inquiries are automatically saved without award.

**Notes:**

1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.
2. (M) Indicates Mandatory Field.

**(M) PO/Solicitation Number: SAMPLE-BV**

CAGE	Supply Code	Bid Price	Weighted Delivery Score	Quality Color	
75905 ⓘ	4730	\$ 105	34	GREEN	<a href="#">Get Detail Report</a>
81755 ⓘ	4730	\$ 110	17	GREEN	<a href="#">Get Detail Report</a>

CAGE	Bid Price	Best Offer	Award
75905	\$ 105	1	<input type="checkbox"/>
81755	\$ 110	2	<input type="checkbox"/>

[Save with Award](#)[Back](#)

179. In the source selection and award process, PPIRS determines the rank of a particular contractor relative to the other contractors considered in the selection process based on the particular contractor's Cost, Delivery, and Quality information.

180. The Cost information assigned to each contractor is the contractor's Bid Price for the product or service being evaluated.

181. The Delivery information used in PPIRS is based on timeliness of past product delivery or past service delivery for the particular contractor.

182. The following excerpt from p.2 of the Software User's Manual demonstrates that the Delivery information used in PPIRS is based on timeliness of past product delivery or past service delivery for the particular contractor:

**Delivery Score = (On-time Weight X On-time Score) + (Average Days Late Weight X Average Days Late Score)**

\*On-time Weight = .6

\*On-time Score =  $100 \times (\text{number of lines shipped on-time during rating period} / \text{number of lines shipped during rating period})$

\*Average Days Late Weight = .4

\*Average Days Late Score = maximum of  $((100 - (\text{total days late during rating period} / \text{number of lines shipped during rating period}))$  or 0, whichever is higher)

183. The Quality information used in PPIRS is based on the contractor's past performance on other contracts for products or services matching the FSC code(s) identified by the user prior to selecting the Calculate Best Value button.

184. The following excerpt from p.3 of the Software User's Manual demonstrates that the Quality information used in PPIRS is based on the contractor's past performance on other contracts for products or services matching the FSC code(s) identified by the user prior to selecting the Calculate Best Value button:

**1.2.2 Quality Performance**

Contractor's quality performance will be based by FSC.  
The formula for quality is:

$$\frac{(\text{Positive weighted data minus negative weighted data})}{\text{Contract FSC Line Item Total}}$$

If there is no delivery data available, a value of one (1) would be used for the bottom quotient. Each FSC for which there is quality performance data will be assigned a color. Color is based on the high five percent in the commodity (Dark Blue), next 10 percent (Purple), next 70 percent (Green), next 10 percent (Yellow), and last five percent (Red). In this calculation, the companies are classified based on quality performance comparisons for all competitors within an FSC.

**NOTE:** If there is only one percentage group for an entire FSC, the group will be classified as Green.

**NOTE:** If a contractor has delivery data but no quality data for a given FSC, that contractor will be given an automatic Green rating (Delivery Green).

The following are the Quality Performance Records to be used and the weight factors for each:

<b>Record</b>	<b>Service</b>	<b>Positive Weight</b>	<b>Negative Weight</b>
Bulletins	Navy	N/A	-1.0 (critical) - 0.7 (major)
GIDEP Alerts	All	N/A	-1.0 (critical) -0.7 (major) -0.2 (minor)
Material Inspection Records (MIRs)	Navy	+ 1	-1.0 (critical) -0.7 (major) -0.2 (min)
PQDRs - Category 1 or 2	ALL	N/A	-1.0 (Cat 1) -0.7 (Cat 2)
Surveys (excluding Pre-Award Surveys)	DCMA and Navy	+0.7	-0.7 (others)
Test Reports (1st Article, Production, etc.)	Navy	+0.5	-0.5

185. The Quality information used in, or supported by, PPIRS includes at least six weighted factors. Software User's Manual, at 3.

186. Separately, for each government contractor matching a CAGE code entered by the user, when the Calculate Best Value button is pressed, PPIRS calculates a Best Value score using the Cost, Delivery, and Quality category information corresponding to the matching CAGE code.

187. The following excerpts from the SPRS Software User's Manual at 46 and the Software User's Manual at 59, respectively, demonstrate that separately, for each government contractor matching a CAGE code entered by the user, when the Calculate Best Value button is pressed, PPIRS calculates a Best Value score using the Cost, Delivery, and Quality category information corresponding to the matching CAGE code:

SPRS Software User's Manual

SPRS 3.2.7

(M) PO/Solicitation Number: LS-2018-2-12-00002

CAGE	Supply Code	Bid Price	Weighted Delivery Score	Quality Color
CRM14 ⓘ	4820	\$ 215.25	16	GREEN
243ZR ⓘ	4820	\$ 289.28	3	PURPLE

Get Detail Report

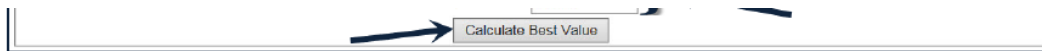
(M) PO/Solicitation Number: SAMPLE-BV

CAGE	Supply Code	Bid Price	Weighted Delivery Score	Quality Color	
72405 ⓘ	4730	\$ 105	34	GREEN	Get Detail Report
82755 ⓘ	4730	\$ 110	17	GREEN	Get Detail Report

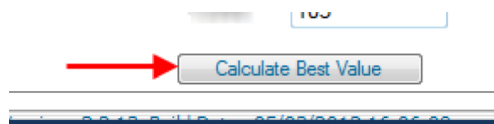
188. Separately, for each government contractor matching a CAGE code entered by the user, PPIRS multiplies the corresponding Cost, Delivery, and Quality factor by the corresponding Cost, Delivery, and Quality factor's importance weighting percentage.

189. When the Calculate Best Value button is pressed, PPIRS calculates an aggregate Best Value score for each government contractor matching a CAGE code entered by the user.

190. The following excerpts from the SPRS Software User's Manual at 45 and the Software User's Manual at 59, respectively, demonstrate that when the Calculate Best Value button is pressed, PPIRS calculates an aggregate Best Value score for each government contractor matching a CAGE code entered by the user:



**Figure 32: Solicitation Inquiry Report (Calculate Best Value), entering weights & values**



191. Based on each contractor's aggregate Best Value score, PPIRS ranks the government contractors matching the CAGE code entered by the user and shows the results in the "Best Offer" column.

192. The following excerpts from the SPRS Software User's Manual at 46 and the Software User's Manual at 60, respectively, demonstrate that based on each contractor's aggregate Best Value score, PPIRS ranks the government contractors matching the CAGE code entered by the user and shows the results in the "Best Offer" column:

Get Detail Report			
CAGE	Bid Price	Best Offer	Award
CRM14	\$ 215.25	1	<input type="checkbox"/>
243ZR	\$ 289.28	2	<input type="checkbox"/>
Save with Award		Back	

**Figure 33: Solicitation Inquiry Report Detail (Calculate Best Value) Best Offer Ranking**

CAGE	Bid Price	Best Offer	Award
75815	\$ 105	1	<input type="checkbox"/>
82715	\$ 110	2	<input type="checkbox"/>
Save with Award		Back	

193. PPIRS presents the ranking information to the government contracting officer.

194. In PPIRS, the features for ranking contractors, products and services are “Standard Assessment” and “Best Value Assessment.”

### **Consumer Modification of Default Weighting Factor Values**

195. PPIRS provides an interface for the consumer to input and modify the default weighting factor values.

196. By providing an interface in SPRS for the contracting officer to modify the Cost, Delivery, and Quality weighting factors, the PPIRS system embodies and practices claims 1, 8, 17, and 18 of the ’429 Patent.

197. By providing an interface in SPRS for the contracting officer to modify the Cost, Delivery, and Quality weighting factors, the PPIRS system embodies and practices claims 1, 14, 25, and 29 of the ’779 Patent.

198. By providing an interface in SPRS for the contracting officer to modify the Cost, Delivery, and Quality weighting factors, the PPIRS system embodies and practices claim 1 of the '797 Patent.

199. By providing an interface in SPRS for the contracting officer to modify the Cost, Delivery, and Quality weighting factors, the PPIRS system embodies and practices claims 1, 8, and 9 of the '041 Patent.

200. PPIRS initially sets the Cost, Delivery, and Quality weighting factors to 33%, as shown below in each excerpt from the SPRS Software User's Manual at 43-44 (emphasis added) and the Software User's Manual at 58 (emphasis in original):

- a. Enter Purchase Order/Solicitation Number, FSC(s) and CAGE code(s) as described above (*See Section 4.1.1 Standard Assessment a.- h.*)
- b. Click the Best Value Assessment button

## SPRS Software User's Manual

## SPRS 3.2.7

SOLICITATION INQUIRY REPORT	
Print	
Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503	
<b>Instructions:</b>	
1. Enter a unique <b>PO/Solicitation Number</b> . 2. Enter one or more <b>CAGE/DUNS</b> and <b>Supply Codes</b> . Multiple CAGE Codes need to be separated by a colon. 3. After Cages Codes are entered, select <b>Add CAGE</b> button to add Cage Codes. 4. If a DUNS number is added, select <b>ADD DUNS</b> button to add DUNS.	
<b>Instructions for Standard Assessment:</b>	
5. Select <b>Standard Assessment</b> button to view the requested information. 6. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b> . The inquiry information will then be saved to the user solicitation history file. 7. To save solicitation inquiry without award, select <b>Save Without Award</b> . The inquiry information will be saved to the user solicitation history file.	
<b>Instructions For Best Value</b>	
8. Select <b>Best Value Assessment</b> button. 9. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%). 10. Enter Vendor <b>bid value</b> amounts. 11. Select <b>Calculate Best Value</b> button to view requested information. 12. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b> . The inquiry information will then be saved to the user solicitation history file. 13. Best Value Inquiries are automatically saved without award.	
<b>Notes:</b> (M) Indicates Mandatory Field.	
(M) PO/Solicitation Number:	LS-2018-2-12-00002
(M) FSC Supply Codes:	4820
(M) CAGE Codes:	<input type="text"/> <input type="button" value="Add CAGE"/>
	(multiple CAGE Code e.g. #####:#####:#####)
DUNS:	<input type="text"/> <input type="button" value="Add DUNS"/>
	List of selected CAGE Code(s).
	CRM14
	243ZR
	<input type="button" value="Remove CAGE Code"/>
	<b>Best Value Assessment:</b>
(M) Cost %:	33
(M) Delivery %:	33
(M) Quality %:	33
	CRM14
	243ZR
	<input type="button" value="Calculate Best Value"/>

Figure 31: Solicitation Inquiry Report (Calculate Best Value)

**PAST PERFORMANCE INFORMATION RETRIEVAL SYSTEM - STATISTICAL REPORTING**

**SOLICITATION INQUIRY REPORT**

Source Selection Sensitive Information, See FAR 2.101 and 3.104

**Instructions:**

1. Enter a unique **PO/Solicitation Number**
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Enter multiple CAGE's separated by a colon

**For Standard Assessment:**

3. Select **Standard Assessment** button to view the requested information.
4. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
5. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions For Best Value**

3. Select **Best Value Assessment** button.
4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
5. Enter Vendor **bid value** amounts.
6. Select **Calculate Best Value** button to view requested information.
7. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
8. Best Value Inquiries are automatically saved without award.

**Notes:**

1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.
2. (M) Indicates Mandatory Field.

(M) PO/Solicitation Number:

(M) FSC Supply Code:

(M) CAGE Code:   
(multiple CAGE Code e.g. #####:#####:#####)

DUNS:

List of selected CAGE Code(s):

(M) Cost %:   
(M) Delivery %:   
(M) Quality %:

CAGE	Bid Value
<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value=""/>	<input type="text" value=""/>

Figure 59: Solicitation Inquiry Report (Calculate Best Value)

201. When using PPIRS, a contracting officer can modify the Cost, Delivery, and Quality weighting factor percentages (for example, by changing them to Cost equals 25%, Delivery equals 25%, and Quality equals 50%).

202. The following excerpts from the SPRS Software User's Manual at 44-45 (emphasis in original) and the Software User's Manual at 58-59 (emphasis

added) demonstrate that when using PPIRS, a contracting officer can modify the Cost, Delivery, and Quality weighting factor percentages (for example, by changing them to Cost equals 25%, Delivery equals 25%, and Quality equals 50%):

- c. User is required to weight categories (Cost, Delivery, Quality) according to importance, ***total percentage must equal 100*** and
- d. Enter the bid values for each CAGE

## SPRS Software User's Manual

## SPRS 3.2.7

**SOLICITATION INQUIRY REPORT**

Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique **PO/Solicitation Number**.
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select **Add CAGE** button to add CAGE Codes.
4. If a DUNS number is added, select **ADD DUNS** button to add DUNS.

**Instructions for Standard Assessment:**

5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
7. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions for Best Value:**

5. Select **Best Value Assessment** button.
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
7. Enter Vendor **bid value** amounts.
8. Select **Calculate Best Value** button to view requested information.
9. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
10. Best Value Inquiries are automatically saved without award.

**Notes:** (M) Indicates Mandatory Field.

(M) PO/Solicitation Number: LS-2018-2-12-00002

(M) FSC Supply Codes: 4820

(M) CAGE Code: Add CAGE

DUNS: Add DUNS

List of selected CAGE Code(s):

CRM14	
243ZR	

Remove CAGE Code

Best Value Assessment

(M) Cost %:	25
(M) Delivery %:	25
(M) Quality %:	50

CAGE	Bid Value
CRM14	280.28
243ZR	215.25

Calculate Best Value

**Figure 32: Solicitation Inquiry Report (Calculate Best Value), entering weights & values**

- e. Click Calculate Best Value
- f. Venders are ranked in 'Best Value' order

## PPIRS-SR Software User's Manual

## PPIRS-SR- 2.2.18

PAST PERFORMANCE INFORMATION RETRIEVAL SYSTEM - STATISTICAL REPORTING	
<a href="#">Main</a> <a href="#">Logout</a> <a href="#">Switch Apps</a> <hr/> <b>ACCOUNT MENU ITEMS</b> <a href="#">Modify Account</a> <a href="#">Change Password</a> <a href="#">Request RC Access</a> <hr/> <b>REPORTS MENU ITEMS</b> <a href="#">Solicitation Inquiry</a> <a href="#">Edit Existing Solicitation</a> <a href="#">Solicitation History</a> <a href="#">Summary Report</a> <hr/> <b>SERVICE MENU ITEMS</b> <a href="#">Feedback</a>	<div style="text-align: center;"> <b>SOLICITATION INQUIRY REPORT</b> </div> <div style="text-align: right;"> <a href="#">Print</a> </div> <p>Source Selection Sensitive Information, See FAR 2.101 and 3.104</p> <p><b>Instructions:</b></p> <ol style="list-style-type: none"> <li>1. Enter a unique <b>PO/Solicitation Number</b></li> <li>2. Enter one or more <b>CAGE/DUNS</b> and <b>Supply Codes</b>. Enter multiple CAGE's separated by a colon</li> </ol> <p><b>For Standard Assessment:</b></p> <ol style="list-style-type: none"> <li>3. Select <b>Standard Assessment</b> button to view the requested information.</li> <li>4. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b>. The inquiry information will then be saved to the user solicitation history file.</li> <li>5. To save solicitation inquiry without award, select <b>Save Without Award</b>. The inquiry information will be saved to the user solicitation history file.</li> </ol> <p><b>Instructions For Best Value</b></p> <ol style="list-style-type: none"> <li>3. Select <b>Best Value Assessment</b> button.</li> <li>4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).</li> <li>5. Enter Vendor <b>bid value</b> amounts.</li> <li>6. Select <b>Calculate Best Value</b> button to view requested information.</li> <li>7. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b>. The inquiry information will then be saved to the user solicitation history file.</li> <li>8. Best Value Inquiries are automatically saved without award.</li> </ol> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.</li> <li>2. (M) Indicates Mandatory Field.</li> </ol> <div> <p>(M) PO/Solicitation Number: <input type="text" value="SAMPLE-BV"/></p> <p>(M) FSC Supply Code: <input type="text" value="4730"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>(M) CAGE Code: <input type="text"/> <a href="#">Add CAGE</a></p> <p>(multiple CAGE Code e.g. #####:#####:#####)</p> <p>DUNS: <input type="text"/> <a href="#">Add DUNS</a></p> <p>List of selected CAGE Code(s).</p> <div> <input type="text"/> <input type="text"/> </div> <p><a href="#">Remove CAGE Code</a></p> <p><a href="#">Best Value Assessment</a></p> <div> <p>(M) Cost %: <input type="text" value="25"/></p> <p>(M) Delivery %: <input type="text" value="25"/></p> <p>(M) Quality %: <input type="text" value="50"/></p> </div> <p><a href="#">Calculate Best Value</a></p> </div>

### **Weighting Factor Paradigms**

203. PPIRS outputs to the consumer data identifying a plurality of suggested weighting factor paradigms, with each paradigm representing a different consumer preference set for the plurality of weighting factors.

204. By presenting to the contracting officer the Standard Assessment and Best Value Assessment paradigms, the PPIRS system embodies and practices claims 1 and 14 of the '779 Patent.

205. By presenting to the contracting officer the Standard Assessment and Best Value Assessment paradigms, the PPIRS system embodies and practices claims 1, 8, and 9 of the '041 Patent.

206. The Standard Assessment and Best Value Assessment features in PPIRS include weighting factors for at least the Cost, Delivery, and Quality categories.

207. By default, the Cost, Delivery, and Quality category weighting factors are preset as equal values in both the Standard Assessment and Best Value Assessment features in PPIRS. SPRS Software User's Manual, at 44; Software User's Manual, at 58.

208. The Standard Assessment module category weighting factors cannot be altered by the contracting officer.

209. The Standard Assessment feature of PPIRS uses a weighting paradigm of, at least, the Delivery and Quality factors.

210. The following excerpts of the SPRS Software User's Manual, at 40 and Software User's Manual at 53, respectively, demonstrate that the Standard Assessment feature of PPIRS uses a weighting paradigm of, at least, the Delivery and Quality factors:

Solicitation Number: LS-2018-2-12-00001

Awarded (Optional)	CAGE	Supply Code	Weighted Delivery Score	Total Line Item	Quality Color	Quality Score	Total Records	Classification Date	
<input type="checkbox"/>	PP1R5	4820	3	9	PURPLE	.562	32	01/09/2018	Get Detail Report
<input type="checkbox"/>	407L1			0	BLUE	1.111	5	01/09/2018	Get Detail Report
<input type="checkbox"/>	TSQ91	4820	16	383	GREEN	.049	88	01/09/2018	Get Detail Report

Save with Award      Save without Award



Solicitation Number: SAMPLE-SA

Awarded (Optional)	CAGE	Supply Code	Weighted Delivery Score	Total Line Item	Quality Color	Quality Score	Total Records	Classification Date	
<input type="checkbox"/>	71905	4730	34	35	GREEN	.487	37	11/30/2011	Get Detail Report
<input type="checkbox"/>	71905	1730	0	1	PURPLE	6	6	11/30/2011	Get Detail Report
<input type="checkbox"/>	71905	1680	No Data	0	BLUE	6	6	11/30/2011	Get Detail Report
<input type="checkbox"/>	81705	4730	17	96	GREEN	*	0	11/30/2011	Get Detail Report
<input type="checkbox"/>	81705	4730	48	24	GREEN	*	0	11/30/2011	Get Detail Report
<input type="checkbox"/>	81705	1680	53	82	GREEN	*	0	11/30/2011	Get Detail Report
<input type="checkbox"/>	81705	3040	26	17	GREEN	*	0	11/30/2011	Get Detail Report

Save with Award      Save without Award



211. The Best Value Assessment feature in PPIRS uses a custom-weighting paradigm with the Cost, Delivery, and Quality weighting factors.

212. When using PPIRS, a contracting officer selects the Standard Assessment button or the Best Value Assessment button to process the product or service solicitation. SPRS Software User's Manual, at 35; Software User's Manual, at 47.

213. Using the Best Value Assessment, a contracting officer is able to modify the Cost, Delivery, and Quality weighting factors to indicate the officer's preference during the solicitation comparison process.

214. The following excerpts from the SPRS Software User's Manual at 45 (emphasis in original) and the Software User's Manual at 59 (emphasis added), respectively, demonstrate that the Cost, Delivery, and Quality categories have been modified by a user to make the Quality category more important than the individual Cost and Delivery categories in calculating product or service ranking:

## SPRS Software User's Manual

## SPRS 3.2.7

**SOLICITATION INQUIRY REPORT**

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique **PO/Solicitation Number**.
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select **Add CAGE** button to add CAGE Codes.
4. If a DUNS number is added, select **Add DUNS** button to add DUNS.

**Instructions for Standard Assessment:**

5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
7. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions for Best Value**

5. Select **Best Value Assessment** button.
6. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
7. Enter Vendor **bid value** amounts.
8. Select **Calculate Best Value** button to view requested information.
9. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
10. Best value inquiries are automatically saved without award.

**Notes:** (M) Indicates Mandatory Field.

(M) PO/Solicitation Number: LS-2018-2-12-00002

(M) FSC Supply Code: 4820

(M) CAGE Code:

DUNS:

List of selected CAGE Code(s):

CRM14  
243ZR

(M) Cost %: 25

(M) Delivery %: 25

(M) Quality %: 50

CAGE Bid Value

CRM14 280.28

243ZR 215.25

**Figure 32: Solicitation Inquiry Report (Calculate Best Value), entering weights & values**

- e. Click Calculate Best Value
- f. Venders are ranked in 'Best Value' order

## PPIRS-SR Software User's Manual

## PPIRS-SR- 2.2.18

PAST PERFORMANCE INFORMATION RETRIEVAL SYSTEM - STATISTICAL REPORTING	
<a href="#">Main</a> <a href="#">Logout</a> <a href="#">Switch Apps</a> <hr/> <b>ACCOUNT MENU ITEMS</b> <a href="#">Modify Account</a> <a href="#">Change Password</a> <a href="#">Request RC Access</a> <hr/> <b>REPORTS MENU ITEMS</b> <a href="#">Solicitation Inquiry</a> <a href="#">Edit Existing Solicitation</a> <a href="#">Solicitation History</a> <a href="#">Summary Report</a> <hr/> <b>SERVICE MENU ITEMS</b> <a href="#">Feedback</a>	<div style="text-align: center;"> <b>SOLICITATION INQUIRY REPORT</b> </div> <div style="text-align: right;"> <a href="#">Print</a> </div> <p>Source Selection Sensitive Information, See FAR 2.101 and 3.104</p> <p><b>Instructions:</b></p> <ol style="list-style-type: none"> <li>1. Enter a unique <b>PO/Solicitation Number</b></li> <li>2. Enter one or more <b>CAGE/DUNS</b> and <b>Supply Codes</b>. Enter multiple CAGE's separated by a colon</li> </ol> <p><b>For Standard Assessment:</b></p> <ol style="list-style-type: none"> <li>3. Select <b>Standard Assessment</b> button to view the requested information.</li> <li>4. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b>. The inquiry information will then be saved to the user solicitation history file.</li> <li>5. To save solicitation inquiry without award, select <b>Save Without Award</b>. The inquiry information will be saved to the user solicitation history file.</li> </ol> <p><b>Instructions For Best Value</b></p> <ol style="list-style-type: none"> <li>3. Select <b>Best Value Assessment</b> button.</li> <li>4. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).</li> <li>5. Enter Vendor <b>bid value</b> amounts.</li> <li>6. Select <b>Calculate Best Value</b> button to view requested information.</li> <li>7. Contract award can be acknowledged by checking the <b>award checkbox</b> adjacent to the CAGE Code. To save solicitation inquiry to history, select <b>Save With Award</b>. The inquiry information will then be saved to the user solicitation history file.</li> <li>8. Best Value Inquiries are automatically saved without award.</li> </ol> <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Only one Supplier CAGE can be indicated for award per solicitation inquiry.</li> <li>2. (M) Indicates Mandatory Field.</li> </ol> <div> <p>(M) PO/Solicitation Number: <input type="text" value="SAMPLE-BV"/></p> <p>(M) FSC Supply Code: <input type="text" value="4730"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>(M) CAGE Code: <input type="text"/> <a href="#">Add CAGE</a></p> <p>(multiple CAGE Code e.g. #####:#####:#####)</p> <p>DUNS: <input type="text"/> <a href="#">Add DUNS</a></p> <p>List of selected CAGE Code(s).</p> <div> <input type="text"/> <input type="text"/> </div> <p><a href="#">Remove CAGE Code</a></p> <p><a href="#">Best Value Assessment</a></p> <div> <p>(M) Cost %: <input type="text" value="25"/></p> <p>(M) Delivery %: <input type="text" value="25"/></p> <p>(M) Quality %: <input type="text" value="50"/></p> </div> <div> <p><input type="checkbox"/> Cost</p> <p><input type="checkbox"/> Delivery</p> <p><input type="checkbox"/> Quality</p> </div> <div> <p><input type="text" value="110"/></p> <p><input type="text" value="105"/></p> </div> <p><a href="#">Calculate Best Value</a></p> </div>

### **Weighting Reset Button**

215. In PPIRS, after the consumer modifies the set of weighting factors displayed on the consumer's data processing device, the consumer selects the weighting reset button to generate a saved set of modified weighting factors by sending the modified weighting factors to the server.

216. By enabling a consumer (user of PPIRS) to modify the Cost, Delivery, and Quality weighting factor percentages, and subsequently select the "Calculate Best Value" button to send the modified Cost, Delivery, and Quality weighting factors to the remote server hosting the PPIRS database, the PPIRS system embodies and practices claims 1, 8, and 9 of the '041 Patent.

217. PPIRS saves the Cost, Delivery, and Quality weighting information after calculating the aggregate ranking for each contractor.

218. The excerpts below, from the SPRS Software User's Manual at 46 and the Software User's Manual at 61, respectively, demonstrate that PPIRS saves the Cost, Delivery, and Quality weighting information after calculating the aggregate ranking for each contractor:

(M) PO/Solicitation Number: LS-2018-2-12-00002

CAGE	Supply Code	Bid Price	Weighted Delivery Score	Quality Color
CRM14 ⓘ	4820	\$ 215.25	16	GREEN
243ZR ⓘ	4820	\$ 289.28	3	PURPLE

Get Detail Report

CAGE	Bid Price	Best Offer	Award
CRM14	\$ 215.25	1	<input type="checkbox"/>
243ZR	\$ 289.28	2	<input checked="" type="checkbox"/>

Save with Award      Back

**Figure 34: Solicitation Inquiry Report (Best Value Selection)**

- j. Click **Save with Award** or **Back** (no save)
- k. If **Save with Award** is selected the Saved Successfully screen will be displayed (*See Figure 29: Standard Assessment Saved Successfully*)

When either the Save with Award or Back buttons are selected, the information will be stored in the solicitation history table and can be retrieved at a later date using the [Solicitation History Report](#). The first column in that report may be checked to indicate which contractor received the award.

CAGE	Bid Price	Best Offer	Award
PIRMS	\$ 105	1	<input checked="" type="checkbox"/>
BILPMS	\$ 110	2	<input type="checkbox"/>

Save with Award      Back

**Figure 62: Solicitation Inquiry Report (Best Value Selection)**

- j. Click **Save with Award** or **Back** (no save)
- k. If **Save with Award** is selected the Saved Successfully screen will be displayed (*see Figure 57: Standard Assessment Saved Successfully*)

When either the **Save with Award** or **Back** buttons are selected, the information will be stored in the solicitation history table and can be retrieved at a later date using the [Solicitation History Report](#). The first column in that report may be checked to indicate which contractor received the award.

219. In the ordinary operation of PPIRS, selecting the Save with Award or Back buttons resets the Cost, Delivery, and Quality weighting factors and stores

any modified weighting factors in the solicitation history table for later retrieval in the Solicitation History Report.

220. In the ordinary operation of PPIRS, selecting the “Calculate Best Value” button stores manually entered weighting factors as modified weighting factors in the PPIRS database.

221. PPIRS maintains a historical record of contracting officer entered information, including the Cost, Delivery, and Quality weighting factors. SPRS Software User’s Manual, at 51-58; Software User’s Manual, at 64-66.

222. In the ordinary operation of PPIRS, selecting the “Best Value Assessment” button causes PPIRS to reset the Cost, Delivery, and Quality weighting factors to the default equal percentage values. SPRS Software User’s Manual, at 43-44.

### **Product Queries Using the Saved Weighting Factors**

223. PPIRS enables and allows a consumer to input a product query after saving the modified weighting factors to the server.

224. The PPIRS system embodies and practices claims 1, 8, and 9 of the ’041 Patent as it enables and allows a contracting officer, after saving modified Cost, Delivery, and Quality weighting factors, to input a request to view and/or modify a previously executed Standard or Best Value Assessment and because it

enables and allows a contracting officer to generate a historical report regarding a previously executed assessment.

225. In the ordinary operation of PPIRS, a contracting officer can initiate a query to view and/or modify an existing solicitation originally created as a Standard Assessment.

226. The following excerpts from the SPRS Software User's Manual at 47 demonstrate that in the ordinary operation of PPIRS, a contracting officer can initiate a query to view and/or modify an existing solicitation originally created as a Standard Assessment:

## 4.2 EDIT EXISTING SOLICITATION

### 4.2.1 Edit Existing Standard Solicitation

To edit an Existing Solicitation select [Edit Existing Solicitation](#) in the Navigation frame (See *Figure 13: Government Main Page Full Access*).

**SOLICITATION UPDATE**

Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

Instructions:

1. (M) Enter the Purchase Order Number / Solicitation Number.
2. Click Get Report button.
3. To award, check Award check box and click Save with Award.
4. To cancel without saving click Back
5. To edit, click Modify
  - a. Solicitation Inquiry will open with original data
  - b. Update CAGE or FSC information and click Standard Assessment
  - c. Choose Save with Award or Save without Award
  - d. If awarded originally, you will have to check box again and click Save with Award
  - e. Best Value Assessment will not be available for Edit, only Standard Assessment

(M) PO/Solicitation Number: LS-2018-2-12-00001

Get Report

**Figure 35: Solicitation Update (Standard Assessment)**

- a. Enter Purchase Order or Solicitation Number, click [Get Report](#)

227. The following excerpt from the SPRS Software User's Manual at 49 demonstrates that in the ordinary operation of PPIRS, a contracting officer can initiate a query to view and/or modify an existing solicitation originally created as a Standard Assessment:

SPRS Software User's Manual

SPRS 3.2.7

#### 4.2.2 Edit Existing Best Value Solicitation

**NOTE:** *Only Award disposition may be updated for Best Value Assessments. Standard Assessments may be edited. (Add/Remove CAGE Code, Change/Add Supply Code.)*

To edit an Existing Solicitation select [Edit Existing Solicitation](#) in the Navigation frame (See Figure 13: Government Main Page Full Access).

**Figure 39: Solicitation Update (Best Value)**

- a. Enter Purchase Order or Solicitation Number, click [Get Report](#)

228. In the ordinary operation of PPIRS, a contracting officer can initiate a query to look up the results of past solicitation inquiries.

229. The following excerpt from the SPRS Software User's Manual at 51 demonstrates that in the ordinary operation of PPIRS, a contracting officer can initiate a query to look up the results of past solicitation inquiries:

### 4.3 SOLICITATION HISTORY REPORT

Solicitation History allows the user to look up the results of past solicitation inquiries.

To access Solicitation History Report select [Solicitation History](#) in the Navigation frame (See *Figure 13: Government Main Page Full Access*).

**Figure 43: Solicitation History Report Request**

Any/all of the following may be entered to obtain History:

- a. Purchase Order/Solicitation Number (*partial data will retrieve more information, i.e. enter T to retrieve all records that have a Purchase Order/Solicitation Number beginning with the letter T*).
- b. CAGE
- c. DUNS
- d. Click the Get Report button

230. The PPIRS server receives the consumer created query and accesses, in response to the query, the stored data related to the plurality of products.

231. The PPIRS system embodies and practices claims 1, 8, and 9 of the '041 Patent because in its ordinary operation PPIRS receives the contracting officer's request to open a previous product or service solicitation and subsequently accesses the PPIRS database to generate the requested information regarding the past solicitations and/or assessments.

232. After receiving the PPIRS request, the server(s) hosting PPIRS access the PPIRS database in response to the consumer-initiated request.

233. The following excerpts from the SPRS Software User's Manual at 48, 49-50, and 52, respectively, demonstrate that after receiving the PPIRS request, the server(s) hosting PPIRS access the PPIRS database in response to the consumer-initiated request:

SPRS Software User's Manual SPRS 3.2.7

**SOLICITATION UPDATE** [Print](#)

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. (M) Enter the Purchase Order Number / Solicitation Number.
2. Click Get Report button.
3. To award, check Award checkbox and click Save with Award.
4. To cancel without saving click Back.
5. To edit, click Modify
  - a. Solicitation Inquiry will open with original data
  - b. Update CAGE or FSC information and click Standard Assessment
  - c. Choose Save with Award or Save without Award
  - d. If awarded originally, you will have to check box again and click Save with Award
  - e. Best Value Assessment will not be available for Edit, only Standard Assessment

(M) PO/Solicitation Number: LS-2018-2-12-00001 [Get Report](#)

Solicitation Number	Award	CAGE CODE	Supply Code	Weighted Delivery Score	Weighted Quality Performance	Inquiry Date	Classification Date
LS-2018-2-12-00001	<input type="checkbox"/>	48751	4820	9 (0 Records)	Color PURPLE (5 Records)	02/12/2018	01/09/2018
LS-2018-2-12-00001	<input type="checkbox"/>	24329	4820	3 (3 Records)	Color PURPLE (32 Records)	02/12/2018	01/09/2018
LS-2018-2-12-00001	<input type="checkbox"/>	129414	4820	10 (183 Records)	Color GREEN (86 Records)	02/12/2018	01/09/2018

[Save with Award](#) [Back](#) [Modify](#)

Figure 37: Solicitation Update Example (Modify Standard)

- d. To edit, click Modify
- e. Solicitation Inquiry opens with original data

**SOLICITATION UPDATE** [Print](#)

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique PO/Solicitation Number
2. Enter one or more CAGE/DUNS and Supply Codes. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select Add CAGE button to add CAGE Codes.
4. If a DUNS number is added, select ADD DUNS button to add DUNS.

**Instructions for Standard Assessment:**

1. Select Standard Assessment button to view the requested information.
2. Contract award can be acknowledged by checking the award checkbox adjacent to the CAGE Code. To save solicitation inquiry to history, select Save With Award. The inquiry information will then be saved to the user solicitation history file.
3. To save solicitation inquiry without award, select Save Without Award. The inquiry information will be saved to the user solicitation history file.

**Instructions for Best Value**

1. Select Best Value Assessment button.
2. Use default values (each value weighted 1/3) or edit quality, delivery and cost values (Price: 100% 100%).
3. Enter vendor bid value amounts.
4. Select Calculate Best Value button to view requested information.
5. Contract award can be acknowledged by checking the award checkbox adjacent to the CAGE Code. To save solicitation inquiry to history, select Save With Award. The inquiry information will then be saved to the user solicitation history file.
6. Best Value Inquiries are automatically saved without award.

**Notes:** (M) indicate mandatory field.

(M) PO/Solicitation Number: LS-2018-2-12-00001

(M) FSC Supply Codes: 4820

(M) CAGE Codes: [Add CAGE](#)

DUNS: [Add DUNS](#)

Multiple CAGE Code e.g. \*\*\*\*\*

List of selected CAGE Codes:  
48751  
24329  
129414

[Remove CAGE Code](#)

[Standard Assessment](#)

Figure 38: Solicitation Update - Modify Example (Standard)

- f. Update CAGE or FSC information and click Standard Assessment (See Figure 26: Solicitation Inquiry Report Detail (Standard Assessment))
- g. Choose Save with Award or Save without Award
- h. If awarded originally, you will have to check box again and click Save with Award

- a. Enter Purchase Order or Solicitation Number, click [Get Report](#)

**SOLICITATION UPDATE** [Print](#)

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. (M) Enter the Purchase Order Number / Solicitation Number.
2. Click Get Report button.
3. To award, check Award check box and click Save with Award.
4. To cancel without saving click Back
5. To edit, click Modify
  - a. Solicitation Inquiry will open with original data
  - b. Update CAGE or FSC Information and click Standard Assessment
  - c. Choose Save with Award or Save without Award
  - d. If awarded originally, you will have to check box again and click Save with Award
  - e. Best Value Assessment will not be available for Edit, only Standard Assessment

(M) PO/Solicitation Number:  [Get Report](#)

Solicitation Number	Award	CAGE CODE	Supply Code	Weighted Delivery Score	Weighted Quality Performance	Inquiry Date	Classification Date
LS-2018-2-12-00002	<input type="checkbox"/>	49711	4820	0 (0 Records)	Color BLUE (5 Records)	02/12/2018	01/09/2018
LS-2018-2-12-00002	<input checked="" type="checkbox"/>	24326	4820	3 (9 Records)	Color PURPLE (32 Records)	02/12/2018	01/09/2018
LS-2018-2-12-00002	<input type="checkbox"/>	C9M14	4820	16 (283 Records)	Color GREEN (88 Records)	02/12/2018	01/09/2018

[Save with Award](#) [Back](#) [Modify](#)

**Figure 40: Solicitation Update Report Example (Best Value)**

- Only Award disposition may be updated for Best Value Assessments
- To record award for a particular vendor, check the Award check box next to that vendor and click Save with Award (this does not advise the vendor that he/she was chosen, this is just for the user's own history)
- Click Back to cancel without saving
- If Save with Award is selected the updated successfully screen will be displayed

**SPRS Message**

Solicitation Number LS-2018-2-12-00002 was updated successfully.

**Figure 41: Solicitation Update Successful**

- If Solicitation was previously awarded Edit is not available

**SOLICITATION UPDATE** [Print](#)

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. (M) Enter the purchase order number / solicitation number.
2. Click Get Report button.
3. To award, check Award check box and click Save with Award.
4. To cancel without saving click Back
5. To edit, click Modify
  - a. Solicitation Inquiry will open with original data
  - b. Update CAGE or FSC Information and click Standard Assessment
  - c. Choose Save with Award or Save without Award
  - d. If awarded originally, you will have to check box again and click Save with Award
  - e. Best Value Assessment will not be available for Edit, only Standard Assessment

(M) PO/Solicitation Number:  [Get Report](#)

Solicitation Number	Awarded	CAGE CODE	Supply Code	Weighted Delivery Score	Weighted Quality Performance	RANK	Bid Price	Inquiry Date	Classification Date
LS-2018-2-12-00002	N	40711	4820	0 (0 Records)	Color BLUE (5 Records)	1	215.25	02/12/2018	01/09/2018
LS-2018-2-12-00002	Y	24326	4820	3 (9 Records)	Color PURPLE (32 Records)	1	289.28	02/12/2018	01/09/2018
LS-2018-2-12-00002	N	C9M14	4820	16 (283 Records)	Color GREEN (88 Records)	1	215.25	02/12/2018	01/09/2018

CAGE	Bid Price	Best Offer	Awarded
24326	289.28	1	Y
C9M14	215.25	1	N
40711	259.58	*	N

[Back](#)

**Figure 42: Previously Awarded Solicitation (No Edit) Example (Best Value)**

- Awarded Column:
  - Y = Yes, CAGE Awarded
  - N = No, CAGE Not Awarded
  - U = Solicitation Number is Unawarded (no CAGES awarded at time of History Report)

**NOTE:** The report displays the history captured *when solicitation information was entered*. The information includes every CAGE queried at the time the Solicitation Inquiry was saved.

**SOLICITATION HISTORY REPORT**

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1501

**Instructions**

1. Enter the Purchase Order Number / Solicitation Number.
2. or enter the CAGE / DUNS.
3. or enter the Purchase Order Number / Solicitation Number and CAGE / DUNS.
4. Click Get Report button.

\* If records were found.

PO/Solicitation Number : 15-2018-2-12

CAGE :

Date :

Get Report

Solicitation History Report Download: [Click here](#) to download data in spreadsheet

Solicitation Number	Awarded	CAGE CODE	Supply Code	Weighted Delivery Score	Weighted Quality Performance	RANK	Bid Price	Inquiry Date	Classification Date
15-2018-2-12-00001	N	40711	4820	0 (0 Records)	Score 1.111 Color BLUE (5 Records)			02/12/2018	01/09/2018
15-2018-2-12-00001	N	CRH14	4820	18 (303 Records)	Score 0.949 Color GREEN (85 Records)			02/12/2018	01/09/2018
15-2018-2-12-00001	Y	2432R	4820	0 (0 Records)	Score 0.942 Color PURPLE (12 Records)			02/12/2018	01/09/2018
15-2018-2-12-00001	N	17020	4820	0 (0 Records)	Score 0 Color (0 Records)			02/12/2018	02/12/2018
15-2018-2-12-00002	N	CRH14	4820	18 (303 Records)	Score 0.949 Color GREEN (85 Records)	1	215.25	02/12/2018	01/09/2018
15-2018-2-12-00002	Y	2432R	4820	0 (0 Records)	Score 0.942 Color PURPLE (12 Records)	1	389.38	02/12/2018	01/09/2018
15-2018-2-12-00002	U	CRH14	4820	18 (303 Records)	Score 0.949 Color GREEN (85 Records)	1	215.25	02/12/2018	01/09/2018
15-2018-2-12-00003	U	2432R	4820	0 (0 Records)	Score 0.942 Color PURPLE (12 Records)	1	389.38	02/12/2018	01/09/2018

**Figure 44: Solicitation History Report Detail Example**

- All Solicitations matching search criteria are displayed
- You may download this report to Microsoft Excel, click on the words [Click here](#) just above the report
- Awarded Column:
  - Y = Yes, CAGE Awarded
  - N = No, CAGE Not Awarded
  - U = Solicitation Number is Unawarded (no CAGEs awarded at time of History Report)
- Click the Print button to print out the results

234. In ordinary operation, the PPIRS server generates a ranking of one or more products that corresponds to the query related to the product, the ranking of the one or more products being generated by (a) applying the saved modified set of weighting factors to the stored data related to the plurality of products, and (b) filtering the stored data related to the plurality of products, the filtering resulting in positioning the one or more products in the ranking based on the saved modified

set of weighting factors, such that the ranking is based on the specific priorities of the consumer.

235. The PPIRS system embodies and practices claims 1, 8, and 9 of the '041 Patent because in its ordinary operation PPIRS generates product rankings for previously executed Standard and/or Best Value Assessment and because it generates a historical report regarding a previously executed assessment by applying the saved “original data,” including the modified Cost, Delivery, and Quality weighting factors to rank the products based on the specific priorities of the contracting officer.

236. Upon information and belief, PPIRS uses the “original data” to create the solicitation modification and historical reports.

237. Upon information and belief, the following excerpts from the SPRS Software User's Manual at 48, 50 (emphasis in original), and 52 (emphasis in original), respectively, demonstrate that PPIRS uses the “original data” to create the solicitation modification and historical reports:

## e. Solicitation Inquiry opens with original data

**SOLICITATION UPDATE** Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. Enter a unique **PO/Solicitation Number**.
2. Enter one or more **CAGE/DUNS** and **Supply Codes**. Multiple CAGE Codes need to be separated by a colon.
3. After Cages Codes are entered, select **Add CAGE** button to add CAGE Code.
4. If a DUNS number is added, select **ADD DUNS** button to add DUNS.

**Instructions for Standard Assessment:**

5. Select **Standard Assessment** button to view the requested information.
6. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
7. To save solicitation inquiry without award, select **Save Without Award**. The inquiry information will be saved to the user solicitation history file.

**Instructions for Best Value:**

8. Select **Best Value Assessment** button.
9. Use Default values (each value weighted 1/3) or edit quality, delivery and cost values (must total 100%).
10. Enter vendor **bid value** amounts.
11. Select **Calculate Best Value** button to view requested information.
12. Contract award can be acknowledged by checking the **award checkbox** adjacent to the CAGE Code. To save solicitation inquiry to history, select **Save With Award**. The inquiry information will then be saved to the user solicitation history file.
13. Best Value Inquiries are automatically saved without award.

**Notes:** (M) indicates Mandatory field.

(M) PO/Solicitation Number: LS-2018-2-12-00001

(M) FSC Supply Codes: 4820

(M) CAGE Code: Add CAGE

DUNS: Add DUNS

List of selected CAGE Code(s): 4820, 2422R, CRM14

Remove CAGE Code

Standard Assessment

**SOLICITATION UPDATE** Print

Source Selection Sensitive Information, See FAR 2.101, 3.104, and 42.1503

**Instructions:**

1. (M) Enter the Purchase Order Number / Solicitation Number.
2. Click Get Report button.
3. To award, check Award check box and click Save with Award.
4. To cancel without saving click Back.
5. To edit, click Modify
  - a. Solicitation Inquiry will open with original data
  - b. Update CAGE or FSC information and click Standard Assessment
  - c. Choose Save with Award or Save without Award
  - d. If awarded originally, you will have to check box again and click Save with Award
  - e. Best Value Assessment will not be available for tDR, only Standard Assessment

(M) PO/Solicitation Number: LS-2018-2-12-00002 Get Report

Solicitation Number	Awarded	CAGE CODE	Supply Code	Weighted Delivery Score	Weighted Quality Performance	IBANK	Bid Price	Inquiry Date	Classification Date
LS-2018-2-12-00002	N	4820	4820	0 (0 Records)	Cost 100% (5 Records)	1	215.25	02/12/2018	01/09/2018
LS-2018-2-12-00002	Y	2422R	4820	3 (9 Records)	Cost 100% (12 Records)	1	289.28	02/12/2018	01/09/2018
LS-2018-2-12-00002	N	CRM14	4820	15 (380 Records)	Cost 100% (380 Records)	1	215.25	02/12/2018	01/09/2018

CAGE	Bid Price	Best Offer	Awarded
2422R	289.28	1	Y
CRM14	215.25	1	N
4820	199.98	1	N

Back

Figure 42: Previously Awarded Solicitation (No Edit) Example (Best Value)

**NOTE:** The report displays the history captured *when solicitation information was entered*. The information includes every CAGE queried at the time the Solicitation Inquiry was saved.

**SOLICITATION HISTORY REPORT**

Source Selection Sensitive Information. See FAR 2.101, 3.104, and 42.1503

Instructions:

1. Enter the Purchase Order Number / Solicitation Number.
2. Or Enter the CAGE / DUNS.
3. Or Enter the Purchase Order Number / Solicitation Number and CAGE / DUNS.
4. Click Get Report button.

\* If records were found.

PO/Solicitation Number : 15-2018-2-12

CAGE :

Date :

Get Report

Solicitation History Report Download: [Click here to download data in spreadsheet](#)

Solicitation Number	Awarded	CAGE CODE	Supply Code	Weighted Delivery Score	Weighted Quality Performance	RANK	Bid Price	Inquiry Date	Classification Date
15-2018-2-12-00001	N	02713	4820	4 (0 Records)	Score 3.113 Color BLUE (5 Records)			02/12/2018	01/09/2018
15-2018-2-12-00001	N	C0M14	4820	18 (203 Records)	Score 3.048 Color GREEN (89 Records)			02/12/2018	01/09/2018
15-2018-2-12-00001	Y	2432R	4820	3 (9 Records)	Score 3.562 Color PURPLE (32 Records)			02/12/2018	01/09/2018
15-2018-2-12-00001	N	17029	4820	4 (0 Records)	Score 0 Color (0 Records)			02/12/2018	02/12/2018
15-2018-2-12-00002	N	C0M14	4820	18 (183 Records)	Score 3.048 Color GREEN (89 Records)	1	215.25	02/12/2018	01/09/2018
15-2018-2-12-00002	Y	2432R	4820	3 (9 Records)	Score 3.562 Color PURPLE (32 Records)	1	389.28	02/12/2018	01/09/2018
15-2018-2-12-00002	N	C0M14	4820	18 (203 Records)	Score 3.048 Color GREEN (89 Records)	1	215.25	02/12/2018	01/09/2018
15-2018-2-12-00003	N	2432R	4820	3 (9 Records)	Score 3.562 Color PURPLE (32 Records)	1	389.28	02/12/2018	01/09/2018

**Figure 44: Solicitation History Report Detail Example**

## Defendant's Use of the PPIRS System

238. “The Federal Acquisition Regulations System is established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies.” 48 C.F.R. § 1.101.

239. Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 213.1 mandates the use of the PPIRS system by all DoD contracting officers for supply contracts up to \$1 million in value. 48 C.F.R. § 213.106-2.

240. In fiscal year 2013, the DoD used the PPIRS system in awarding 15,258 new competitive contracts for commercial supplies valued at less than or equal to \$1 million. Defense Acquisition Regulations System, Department of Defense; Defense Federal Acquisition Regulation Supplement: Past Performance

Information Retrieval System—Statistical Reporting (PPIRS-SR), 80 Fed. Reg. 4849 (Jan. 29, 2015).

241. Defendant, including DoD, requires and encourages source selection authorities and procurement personnel to use the PPIRS system.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,302,429**

242. Plaintiff hereby incorporates by reference each of the allegations set forth in the preceding paragraphs as if set forth fully herein.

243. The facts alleged above and publicly available materials published by the United States show that Defendant has infringed and continues to infringe, either literally or under the doctrine of equivalents, at least claims 1, 2, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, and 20 of the '429 patent pursuant to 35 U.S.C. § 271(a) by making and/or using, without license or lawful right, product and service contract procurement systems including at least the PPIRS system.

244. The United States does not have a license from Plaintiff to practice the inventions disclosed in and claimed by the '429 patent.

245. Plaintiff has been and continues to be harmed by Defendant's infringement of at least claims 1, 2, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, and 20 of the '429 patent.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 8,126,779**

246. Plaintiff hereby incorporates by reference each of the allegations set forth in the preceding paragraphs as if set forth fully herein.

247. The facts alleged above and publicly available materials published by the United States show that Defendant has infringed and continues to infringe, either literally or under the doctrine of equivalents, at least claims 1, 2, 3, 4, 5, 6, 8, 13, 14, 15, 16, 17, 19, 24, 25, and 29 of the '779 patent pursuant to 35 U.S.C. § 271(a) by making and/or using, without license or lawful right, product and service contract procurement systems including at least the PPIRS system.

248. The United States does not have a license from Plaintiff to practice the invention disclosed in and claimed by the '779 patent.

249. Plaintiff has been and continues to be harmed by the United States' infringement of at least claims 1, 2, 3, 4, 5, 6, 8, 13, 14, 15, 16, 17, 19, 24, 25, and 29 of the '779 patent.

**COUNT III**  
**INFRINGEMENT OF U.S. PATENT NO. 8,204,797**

250. Plaintiff hereby incorporates by reference each of the allegations set forth in the preceding paragraphs as if set forth fully herein.

251. The facts alleged above and publicly available materials published by the United States show that Defendant has infringed and continues to infringe,

either literally or under the doctrine of equivalents, at least claims 1 and 2 of the '797 patent pursuant to 35 U.S.C. § 271(a) by making and/or using, without license or lawful right, product and service contract procurement systems including at least the PPIRS system.

252. The United States does not have a license from Plaintiff to practice the invention disclosed in and claimed by the '797 patent.

253. Plaintiff has been and continues to be harmed by the United States' infringement of at least claims 1 and 2 of the '797 patent.

**COUNT IV  
INFRINGEMENT OF U.S. PATENT NO. 9,595,041**

254. Plaintiff hereby incorporates by reference each of the allegations set forth in the preceding paragraphs as if set forth fully herein.

255. The facts alleged above and publicly available materials published by the United States show that Defendant has infringed and continues to infringe, either literally or under the doctrine of equivalents, at least claims 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 15, 16, 19, 20, 21, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36 of the '041 patent pursuant to 35 U.S.C. § 271(a) by making and/or using, without license or lawful right, product and service contract procurement systems including at least the PPIRS system.

256. The United States does not have a license from Plaintiff to practice the invention disclosed in and claimed by the '041 patent.

257. Plaintiff has been and continues to be harmed by the United States' infringement of at least claims 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 15, 16, 19, 20, 21, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36 of the '041 patent.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully request that this Court grant the following relief:

- A) Judgment against the United States in favor of Plaintiff;
- B) Reasonable and entire compensation to Plaintiff pursuant to 28 U.S.C. § 1498(a);
- C) Plaintiff's reasonable fees for expert witnesses and attorneys and other costs pursuant to 28 U.S.C. § 1498(a);
- D) Pre-judgment interest pursuant to 35 U.S.C. § 284, and post judgment interest pursuant to 28 U.S.C. § 1961 continuing until the judgment is paid; and
- E) All such other and further relief as the Court deems just and proper.

Date: October 26, 2018

Respectfully submitted,

**CONNOR KUDLAC LEE PLLC**  
609 Castle Ridge Rd, Suite 450  
Austin, TX 78746  
512.646.2060 (Telephone)  
888.387.1134 (Facsimile)

By: /s/ Cabrach Connor

Cabrach J. Connor

Texas Bar No. 24036390

Email: [cab@connorkudlaclee.com](mailto:cab@connorkudlaclee.com)

Kevin S. Kudlac (of counsel- Court of  
Claims application forthcoming)

Texas Bar No. 00790089

Email: [kevin@connorkudlaclee.com](mailto:kevin@connorkudlaclee.com)

Jennifer Tatum Lee (of counsel)

Texas Bar No. 24046950

Email: [jennifer@connorkudlaclee.com](mailto:jennifer@connorkudlaclee.com)

**Attorneys for Plaintiff, William Wanker**